United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 118th CONGRESS, FIRST SESSION

Vol. 169 WASHINGTON, MONDAY, MARCH 27, 2023 No. 55

Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mrs. MURRAY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, our God, we come in thankfulness because You have loved us through the seasons of our lives. We find peace in the knowledge that You know and accept us.

Lord, thank You for enabling us to run and not be weary, to walk and not faint. Continue to keep us in Your care.

Bless our Senators. Surround them with the shield of Your love. When they feel discouraged, increase their faith. Give them wisdom and courage to live each day as Your children.

We pray for those dealing with the deadly aftermath of the Mississippi tornado. We pray also for the victims of the Nashville school shooting.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

REPEALING THE AUTHORIZATIONS FOR USE OF MILITARY FORCE AGAINST IRAQ—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 316, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 316), to repeal the authorizations of use of military force against Iraq.

Pending:

Schumer amendment No. 15, to add an effective date.

The PRESIDENT pro tempore. The majority whip is recognized.

COVENANT SCHOOL SHOOTING

Mr. DURBIN. Madam President, today, yet another American community is in shock and grief after yet another American mass shooting. This morning, a shooter entered the Covenant School in Nashville, TN, reportedly armed with two assault rifles and a handgun.

This is an elementary school for students in preschool through the sixth grade. The children are as young as 3 and 4 years old.

Upon entering the school, the shooter opened fire, killing at least three staff members and three students.

I cannot begin to imagine what the families and school community are feeling at this moment. We send our prayers and condolences, and we are certainly grateful to the first responders who were dispatched to the school within minutes and ran toward the sound of gunfire.

But, once again, thoughts and prayers are not enough. These mass shootings, especially targeting little children, are happening with sickening regularity in this Nation. This could be the 129th mass shooting since this year, 2023, began—129 mass shootings in America, and we are fewer than 90 days into this calendar year. That is more than one mass shooting a day.

What is a mass shooting? Four victims either shot or killed in an incident.

Last year, Congress took some important steps on gun safety reform with the Bipartisan Safer Communities Act and the Violence Against Women Act reauthorization. The Judiciary Committee that I serve on has done a lot of work on those measures, and I am happy to support both of them.

But as today's shooting in Nashville, TN, demonstrates, there is more work to be done. The fact that this is a daily occurrence in America is unconscionable.

We are going to learn more details in the hours and days ahead about what actually happened in Nashville, but we already know what must be done to keep our children and communities safe from deadly shootings. I strongly—strongly—support bills that ban assault weapons from civilian use and close gaps in our background check system.

I cannot imagine the Founding Fathers would even envision what we are allowing today in the name of words that they wrote in the Second Amendment to the Bill of Rights. To think that these weapons—the one that was used in Highland Park, in my home State of Illinois, on the Fourth of July, last year—the man discharged 83 rounds in 60 seconds. Tell me that the Founding Fathers had that in mind when they wrote the Second Amendment. I don't believe it.

Today, the early reports are that assault weapons may be involved again. We will wait until we see the actual facts coming in, but it would be no great surprise if that is the case. It would be a grave disappointment.

I urge my colleagues to come together on a bipartisan basis. We can't say that we have solved this problem or even addressed it seriously when the incidents like the one that happened today in Nashville, TN, continue in America.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

We need to pass more reforms to keep guns out of dangerous hands and keep our children safe.

S. 316

Madam President, it is good to be back. I was gone last week, fighting off my second round of COVID. It was not serious, thank goodness. I had good medical care, and my wife had to show a great deal of patience with my sticking around the house for too many days. But I am glad to be back, and I want to say a word about the issue that is pending on the floor of the Senate because it has meant a lot to me throughout my congressional career.

It was just over 20 years ago, in this Chamber, that Congress voted to authorize the use of military force against Iraq. I remember that vote as clearly as if it were yesterday.

It was a little more than a year after the vicious terrorist attacks of 9/11. Our Nation still felt deeply about what had happened to 3,000 innocent Americans.

All evidence pointed to Afghanistan-based al-Qaida as the culprit in that horrific 9/11 attack. Yet, within days of 9/11, some in Washington decided to beat a different drum, not against al-Qaida or Afghanistan but against Iraq's dictator Saddam Hussein.

Then-Vice President Cheney warned repeatedly that Hussein was actively pursuing ''weapons of mass destruction,'' including nuclear weapons. The Vice President was adamant. He said there was ''no doubt''—his words, ''no doubt''—that Hussein was amassing them to use against the United States.

Former Pentagon adviser Richard Perle argued preposterously that Iraqis could finance their nation's postwar rebuilding from its oil wealth and said he had ''no doubt that they will.''

And then-President George W. Bush, who claimed war was his last choice, provocatively tried to link al-Qaida with Saddam Hussein, a dubious claim that was naturally echoed by then-Secretary of Defense Donald Rumsfeld.

Rumsfeld even tried to claim the war in Iraq would last—listen to this—''five days or five weeks or five months, but it certainly isn't going to last any longer than that.'' So said the Secretary of Defense, Donald Rumsfeld.

Then-Deputy Secretary of Defense Paul Wolfowitz and Vice President Cheney insisted that Iraqis would be welcoming the U.S. military as ''liberators.''

When asked about reports that a war with Iraq would require hundreds of thousands of troops, Wolfowitz casually dismissed the warning as ''way off the mark.''

The American people were summarily deceived and misled by the political leaders in Washington.

Then came the war. It didn't last weeks, as we were promised. It lasted for most of the next decade.

More than 150,000 American troops have served in Iraq. No nuclear weapons or other weapons of mass destruction were ever found. We were never greeted as liberators. The Iraqi oil didn't pay for the damage of the $2 trillion cost of the war. American taxpayers paid for it.

More than 4,500 U.S. servicemembers died in that conflict in Iraq. Another 32,000 were wounded, many of them grievously.

My colleague in the Senate, TAMMY DUCKWORTH, is one of those who was seriously injured. It is what brought her to my attention when I invited her to listen to a State of the Union Address. Her heroism brought her to my attention politically. I am honored that she is still serving here in the Senate.

Countless Iraqi civilians lost their lives in the ensuing civil war that erupted after Saddam Hussein was toppled.

I had voted, 1 year before the beginning of the Iraq war, to support the use of military force in Afghanistan. It made sense. They generated al-Qaida, al-Qaida generated 9/11, and it was time for us to answer. That is where those who masterminded the 9/11 attacks were located.

But I was never convinced that our sons and daughters should be sent to war in Iraq. That is why I was one of 23 Senators—1 Republican and 22 Democrats—who voted against the 2002 Iraq authorization for use of military force, known as the AUMF.

History has shown that my concern and misgivings, along with my colleagues—23 of us—were tragically correct. I doubt few here in Washington, at the time, could have imagined this AUMF would still be referred to and referenced for U.S. military action over 20 years later.

Even more incredibly, the 1991 Gulf war AUMF that was supposed to expel Iraq from Kuwait is still in effect more than 30 years later. To allow such resolutions to remain in effect decades after the wars they authorized is more than just a clerical oversight; it is a threat to our national security. It is an open-ended invitation for conflict. That is why today's action of repealing these two AUMFs is long overdue.

I want to thank my colleagues, on a bipartisan basis, Senator TIM KAINE of Virginia and Senator TODD YOUNG of Indiana, for leading the effort. I am honored to cosponsor it.

In the end, the debate before us isn't about whether Iraq posed a threat to Kuwait in 1991 or to the United States in 2001. It is not even about the ultimate merits of those conflicts. This long overdue debate on the Senate floor this week is, instead, about Congress's responsibility when it comes to war and about the use of open-ended authorizations to send military forces. Our Constitution is clear on this question and on many others too. Article I, section 8 says: The power to declare war is an explicit power of the Congress.

The Founding Fathers got that right as far as I am concerned. We should never send our sons and daughters or anyone's sons and daughters into war without the consent of the American people through Congress. Our Founding Fathers were wise in making sure this awesome power of declaring war didn't rest in the hands of a Monarch or even in a President by himself but with the people's elected Representatives. I have made this same argument in the House and the Senate regardless of who was President, a Democrat or a Republican—whether it was President Bush in Iraq or President Obama in Syria or in Libya.

We should not leave these Iraq AUMFs or any authorizations like them in force in perpetuity. Doing so allows too much room for unforeseen consequences and too great of a chance that the authorizations will be stretched beyond their original intent. It makes the possibility of going to war just too easy. It creates a dangerous disconnect between the people's elected representatives and one of the most solemn decisions of democratic self-government. If some AUMFs, like the one used to respond to the al-Qaida attack on the United States, which I supported, need updating, we also need to meet that responsibility here in Congress.

Let me be clear. Nothing we are doing here prevents an American President from acting in self-defense or in the face of imminent threats to our American Nation. Repealing these AUMFs doesn't preclude Congress from debating and possibly passing another AUMF to address future threats, but repealing these outdated authorizations for the use of force will help make sure that such AUMFs are not used for other possible wars without their having explicit congressional approval. Repealing these AUMFs will close open-ended war authorizations that should be revisited and debated by Congress as required by the Constitution.

I strongly support the legislation before us to repeal these authorizations and to ensure that future AUMFs are not allowed to remain in place. I plan on reintroducing my legislation that sunsets any AUMF after 10 years. If the continued use of military force is justified beyond a decade, Congress should do it expressly by vote and debate so that the American people can be witness to this decision and part of it. We should no longer abdicate our responsibility by relying on a resolution that has long since served its intended purpose.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. DUCKWORTH). Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

COVENANT SCHOOL SHOOTING

Mr. SCHUMER. Madam President, we are just learning of the horrific, truly heartbreaking shooting at a school in Nashville earlier today—six people, three children.

I still have the pictures of the kids at Sandy Hook—the little children there who were shot dead—in mind.

Well, six people, including three children, were shot and killed in their own school. Six people, three children, won't be coming home today to their families, to their friends, to their lives.

We are holding in our hearts the families of the loved ones, of those affected by this horrible tragedy, and thank the first responders who were on the scene.

ISRAEL

Madam President, now on Israel, I welcome the news that the judicial legislation proposed by Israeli Prime Minister Netanyahu and his government have been suspended. The bond between the United States and Israel is rooted in our shared democratic values and fealty to the rule of law. When I was in Israel 4 weeks ago, I shared that message directly with the Prime Minister.

I echo the call of President Herzog to find a compromise. It is a good step that the legislation is put on hold, and I strongly urge Israeli leaders, I urge Prime Minister Netanyahu: Come to a compromise before pushing forward again.

Isaac ''Bougie'' Herzog has the trust of all parties and is the right person to come up with the compromise. I urge both sides to work with him. At a time when Israel faces real dangers, particularly from Iran, the last thing Israel needs is divisiveness at home. Let us hope they can come to a compromise.

AUTHORIZATIONS FOR USE OF MILITARY FORCE

Madam President, on AUMF, this afternoon, the Senate will vote on cloture on AUMF repeal, bringing us one step closer to finally repealing the 1991 and 2002 Iraq AUMFs. Once cloture is invoked this afternoon, we will hold a few more votes on additional Republican amendments. Senators should then expect to vote on final passage of the Iraq AUMF repeal as soon as tomorrow.

Repealing the Iraq AUMFs has been a good and reasonable process here on the floor. We had a strong bipartisan vote on cloture last week. We are allowing Republican amendments. Most importantly, we aren't being dilatory because this is something a majority of Senators want to get done.

I hope this can be a method, a pattern of what we do in the future. We are willing to allow amendments, but we must move forward and cannot be dilatory and cannot have amendments so extraneous that they just bog down the whole process. What happened on this AUMF bill is a good model for us for the future to get things done with bipartisan cooperation.

On this bill, I want to thank Senators Kaine and Young, the chairman and the ranking member of the Senate Foreign Relations Committee, and all the cosponsors of this legislation for their work on this measure.

MILITARY NOMINATIONS

Madam President, now on the hold on senior military nominations, defense readiness is impossible without military commanders in place to execute our national defense strategy. Senators have regularly worked together to confirm routine military nominees quickly, ensuring no lapses in the work of our military. But right now, 160 military promotions—160—these are not political. These are men and women who have worked their way up through the ranks and deserve a promotion to general, to colonel, et cetera. But 160, including five three-star generals, are on hold because the senior Senator from Alabama is holding them up because he can't get his way on blocking 160,000 women within the military from receiving healthcare.

Blocking military choices is unprecedented—unprecedented, hasn't happened before—and it could weaken our national security. And the number of those who are blocked is going to grow even larger as new nominees are reported out of the committee, which they do regularly.

Among the general and flag officers on hold by the Senator from Alabama include commanders for U.S. naval forces in the Pacific, the Middle East, and the U.S. military representative to the NATO Military Committee—something really important at a time when war rages in Ukraine. The commanders of the 5th and 7th Fleets are the commanders of U.S. naval forces confronting the likes of Iran and China. They are being held up singlehandedly by the Senator from Alabama.

It shouldn't have to be said, but the Senator from Alabama's hold on hundreds of routine military promotions is reckless. It damages the readiness of our military and puts American security in jeopardy.

Now, look, all of us feel very strongly, passionately, at times about certain political issues, certainly as strongly as the Senator of Alabama feels about this one, but if every single one of us objected to the promotion of military personnel whenever we feel passionately or strongly about an issue, our military would simply grind to a halt.

The Senator from Alabama's actions risk permanently politicizing the confirmation of military personnel for the first time ever, and that would cause immense damage to the military's ability to lead and protect us. I can't think of a worse time for a MAGA Republican to pull a stunt like this, as threats against American security and against democracy are growing all around the world.

I urge Members of his own party to prevail on the Senator from Alabama to stand down in this unprecedented and dangerous move and allow these critical, nonpolitical, nonpartisan military nominees to go through.

MEDICAID AND THE BUDGET

Madam President, on Medicaid and the budget, today, the Governor of North Carolina is signing legislation to expand Medicaid eligibility following the passage of a bipartisan compromise through the North Carolina General Assembly last week. Once signed, as many as 600,000 North Carolinians will soon enjoy healthcare coverage previously denied to them.

House Republicans should follow the example of their State-level counterparts and work with Democrats to expand services like Medicaid, not cut them. They should join Democrats to strengthen healthcare for all Americans, not threaten extreme cuts like the House GOP has been doing for months.

In the American Rescue Plan, Democrats passed a major new incentive to get holdout States to expand Medicaid to cover their low-income citizens. We should build on this work.

Now, House Republicans have bent over backwards claiming Social Security and Medicare are off the table, but what are their plans for Medicaid? Republicans have been disturbingly evasive about whether or not they want to cut Medicaid, and so Americans, unfortunately, remain in the dark.

If a moderate State like North Carolina is expanding Medicaid with bipartisan support, what the heck are MAGA Republicans doing threatening to cut it? It shows how difficult it will be for House Republicans to put together a plan that gets 218 votes.

So we repeat: Leader MCCARTHY, today is March 27. It is nearly 3 months. Where is your plan? Is Medicaid on the GOP chopping block? Are the MAGA Republicans pulling the Republican Party here in the House further to the right even as North Carolina, a moderate State, in a bipartisan way passes legislation to expand Medicaid? Will tens of millions of Americans find out that their benefits will be curtailed or eliminated?

Let me say again, instead of obsession about ideological spending cuts that harm millions of people, Republicans should work with Democrats to strengthen vital healthcare services. We should do that while also agreeing to lift the debt ceiling together, without brinksmanship or blackmail or hostage-taking.

STUDENT DEBT

Madam President, on student debt, this morning, House Republicans introduced legislation to overturn President Biden's historic student loan debt relief program, denying millions of Americans the critical student debt relief they need.

It is hard to believe that, at a time when millions of Americans are struggling with student debt, Republicans are showing how callous and uncaring they are by trying to block debt relief that will literally transform the lives of so many for the better.

Republicans have tried to paint President Biden's plan as a tuition bailout and a giveaway to high earners. A giveaway to high earners? Republicans ignore the facts.

Under President Biden's plan, 90 percent—nearly 90 percent of relief dollars would go to out-of-school borrowers making less than $75,000 a year. This is a party that cuts taxes on the very wealthy but then says that this is a bailout and a giveaway to high earners, when 90 percent of the people who get it—nearly 90 percent—make less than $75,000 a year? Who are they kidding? What hypocrisy.

Under President Biden's plan, no one in the top 5 percent of incomes will receive a penny in debt relief, even though Republicans were happy to give them huge tax breaks a few years back and still want to do that.

Rather than help the privileged few, President Biden's plan would benefit Americans who need it most: students of color, poor Americans, children of immigrants, working and middle-class families. These are the people who would suffer from the Republicans' terrible proposal.

H.R. 1

Madam President, on H.R. 1—I have a lot to talk about today—Republicans recently rolled out their partisan, unserious, so-called energy package they dubbed ''H.R. 1.'' Let's call H.R. 1 what it is: a wish list for Big Oil masquerading as an energy package.

Republicans' so-called energy package would gut important environmental safeguards on fossil fuel projects. It would lock Americans into expensive, erratic, and dirty energy sources. It omits long-overdue reforms for accelerating the construction of transmission.

A serious package would help America transition to clean, affordable energy, not set us decades back like the Republican proposal. A serious energy package would include transmission to help bring clean energy projects online, not leave it untouched—untouched—even though everyone agrees transmission is needed, but the Republican proposal doesn't mention it.

So let me make it again very clear. House Republicans' so-called energy bill is dead on arrival in the U.S. Senate. We will work in good faith on real permitting reform talks—bipartisan, bicameral—but this proposal is a nonstarter.

VLADIMIR PUTIN

Madam President, finally, on the GOP embrace—the embrace of some—of Putin, yesterday, reports came out that Vladimir Putin announced Moscow would deploy tactical nuclear weapons in Belarus as well as position nuclear-armed Iskander hypersonic missiles within Belarus, with a range of 300 miles.

In the past, Putin's conduct over the last year would have won swift and unequivocal condemnation from both parties, but today, an increasingly vocal minority within the hard right is more comfortable defending and excusing Putin rather than condemning him. One Republican Governor from a Southern State even referred to the Ukraine war as ''a territorial dispute.'' I have to wonder what he would have said if he were around in the 1930s. We know what happened then when many refused to stand up to aggression. A world war resulted.

This isn't hard. Vladimir Putin is a threat to American national security and democracy, and MAGA Republicans who fail to condemn him are only empowering him in the long run.

The PRESIDING OFFICER. The majority leader.

FIRE GRANTS AND SAFETY ACT

Mr. SCHUMER. Madam President, I move to proceed to Calendar No. 28, S. 870.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 870) to amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs.

CLOTURE MOTION

Mr. SCHUMER. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 28, S. 870, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs.

Charles E. Schumer, Gary C. Peters, Christopher Murphy, Catherine Cortez Masto, Tina Smith, Jack Reed, Brian Schatz, Jeanne Shaheen, Jeff Merkley, Sheldon Whitehouse, Patty Murray, Mazie K. Hirono, Cory A. Booker, Benjamin L. Cardin, Chris Van Hollen, Margaret Wood Hassan, Alex Padilla.

Mr. SCHUMER. I ask unanimous consent that the mandatory quorum call for the cloture motion filed today, March 27, be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, just to inform the Members, I am moving to file cloture on this bill, which would make sure that both the SAFER grants and the AFG grants, which protect and help our paid and volunteer firefighters, continue. It expires in a few months if we do nothing.

Our firefighters, both paid and volunteer, are brave; they risk their lives for us; they run to danger, not away from it; and they need both equipment and personnel so that they can continue to do their jobs, particularly in smaller, more rural, and more suburban areas where there is not the tax base to support the stuff that they need. So I hope we can move forward quickly on this legislation.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 316

Mr. CORNYN. Madam President, this week, the Senate is expected to vote on legislation that would repeal the authorization for use of military force in Iraq.

The bill before the Senate would repeal two separate authorizations—one from 1991, which authorized U.S. intervention in Iraq, better known as the Gulf war, to stop the dictator, Saddam Hussein, from invading and terrorizing Kuwait. The second one passed in 2002 in response to Saddam's persistent violations of the peace agreement that came out of the Gulf war, including intelligence that he was pursuing weapons of mass destruction.

In the decades since these authorizations passed, America's relationship with Iraq has changed dramatically. Iraq has gone from a hostile and unpredictable authoritarian government to become a strategic partner with the United States. In recent years, our countries have worked together to end the occupation of ISIS in Iraq.

In December of 2017, Iraq declared victory, though we have seen a resurgence of some of those terrorists recently. Two years ago, President Biden welcomed the Iraqi Prime Minister to the White House, a friendship that would have been unimaginable 20 or 30 years ago.

Put simply, Iraq is a key partner in the Middle East. Our governments and militaries cooperate to promote security and prosperity for the Iraqi people. More broadly, we work together to counter Iran's malign influence and continue to root out terrorism in the Middle East.

While there is still an American military presence in Iraq, it looks dramatically different today than it did 10, 20, or 30 years ago. Today, our soldiers serve solely in an advise and assist role. They are there at the invitation of the Iraqi Government to support Iraqi troops and military leaders as they defend their own security interests.

In short, American forces are no longer there to counter threats from Iraq. We are now there to counter threats to Iraq. That includes threats from Iran, the No. 1 state sponsor of international terrorism, with its hired henchmen, terrorist groups, or other adversaries that could disrupt peace and stability in Iraq.

Those who support repealing the Iraqi military authorizations point to this evolution in our relationship as evidence that the AUMFs are no longer needed. It has been 20 years since the U.S. invasion of Iraq, and they say the

authorizations are outdated. Our relationship is shifting, they argue, so it is time for those AUMFs to go.

Unfortunately, it is not that simple. Despite the fact that Iraq is now our partner, that doesn't mean it is time to abandon our security interests in the region. America still has very real adversaries in the Middle East who would do us and our allies harm if they got the chance. Today, Iran-backed militias operate in Iraq, Syria, Lebanon, and other countries throughout the Middle East. They are proxies of the Iranian military, with the goal of spreading Iranian political influence far and wide.

This isn't just some warmonger conspiracy theory. There is clear and absolute linkage between the Iranian regime and the militias operating throughout the Middle East. They are, in effect, hired guns, which are fighting to take territory that has been no-man's land since the drawdown of U.S. forces in the Middle East. And in many cases, they continue to target U.S. troops.

Just last Thursday, an Iranian drone targeted a U.S. facility in Syria, killing an American contractor and wounding five American servicemembers. The U.S. responded the following day by conducting an airstrike against an Iran-backed militia in Syria. And then, within hours, Iran's proxies launched another attack on a U.S. military base in Syria.

Despite the fact that we know a great deal about these groups and their capabilities and the threat they pose to the Middle East, we are relatively limited in our efforts to counter their aggression.

Counterterrorism missions rely on the 2001 authorization for the use of military force, which was passed in the wake of the terrorist attacks on 9/11. Since many Iran-backed militia have not been designated as terrorist organizations, the 2001 AUMF doesn't apply to them. That means we can only use the 2002 AUMF to counter Iran-backed militia and other groups that pose threats to the stability of Iraq and to U.S. national security interests.

If we were to repeal the 2002 AUMF, we limit the President's ability to target these groups. We, in effect, have withdrawn congressional consent. That applies to President Biden today, and it would apply to future commanders in chief as well. In effect, this would tie their hands when it comes to countering threats posed by Iran and its proxies.

To state the obvious, we can't dispose of any tools that could be used to protect the United States or our partners.

Three Presidents have cited the 2002 AUMF as an authorization for the use of military force. In 2003, President Bush used his authority to justify the invasion of Iraq. In other words, this was with congressional consent. In 2014, President Barack Obama cited the 2002 AUMF to justify strikes against Islamic state terrorists in Iraq and Syria. Then, in 2020, former President Trump relied on this authority to justify the strike that killed Iranian General Qasem Soleimani in Baghdad.

Given the growing threats from Iran, it would be absurd to toss this authorization out the window today. If Congress repeals the Iraqi war authorizations, it prompts a lot of questions about what comes next. Without the 2002 AUMF, the President would lose the ability to contain Iran and its aggression. Iran's influence in the region would swell and Iranian-backed militia would terrorize Syria and Iraq with impunity. Iran would be free to focus on its maniacal desire to destroy Israel. And without having to contend with the United States, it would be free to spend even more money financing terrorist groups like Hamas and Hezbollah.

Russian influence in Syria would grow, giving Putin a launch pad to further project power into the Middle East. Our friends and allies, no longer safe with America at their side, could succumb to coercive partnerships with China, giving Xi Jinping another region in which to compete with the United States for global primacy.

In short, passing this legislation would create a power vacuum in the Middle East that could be filled by Iran, Russia, and China. We would be ceding the region back to competition after working for years to promote stability.

Of course, there are costs to maintaining our position in the Middle East, but the cost-benefit analysis clearly shows that we have to leave every authority in place to defend American and allied interests in the Middle East.

Over the last few decades, as I said a moment ago, America's relationship with Iraq has changed for the better. It is a valuable partner. We work together to support security for Iraq and the region as a whole. The U.S. military works with Iraqi forces to counter threats from Iran and to reduce its influence in the region. These authorizations for the use of military force are key to our continued success.

It also means that we will continue to work with the executive branch, rather than have the executive branch rely strictly on the President's constitutional powers. They give the President of the United States the flexibility needed to counter these threats and the threats that they pose from Iran. We would be doing Iran a huge favor by repealing these AUMFs.

Suffice it to say, I oppose the effort to repeal these Iraqi war authorizations, and I encourage my colleagues in the Senate to join me in that opposition.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. HIRONO). Without objection, it is so ordered.

Mr. GRAHAM. Madam President, we will be voting about 5:30, about 30 minutes from now, to end debate and tomorrow have some amendments, then go to final passage on legislation to repeal the authorization to use military force for 2002 directed against Iraq and Saddam Hussein.

The problem I have with what we are doing is that we are repealing the authorization to use military force because Saddam is dead and that threat is gone, but we are not replacing it with an authorization that our troops desperately need, which is to create an AUMF to allow our military to go after Shiite militias that are attacking them routinely inside of Iraq. There have been over 78 attacks since 2021 directed at U.S. forces by different groups, mostly Shiite militias controlled by Iran, in Iraq and Syria. A couple days ago, there was an attack on an American base in Syria. An American contractor was killed. God bless him and his family. And we retaliated, and they retaliated back. The bottom line is that our response to aggression against U.S. forces in Iraq and Syria is woefully inadequate. Seventy-something attacks since 2021. Clearly, nobody feels afraid to attack our troops over there, and we need to create some deterrence that we don't have today.

So I had an amendment that failed that would allow authorization to use military force to exist where the Congress blesses the use of military force against Shiite militias that are operating in Iraq because they are a threat to about 2,500 troops that we have stationed in Iraq.

The forces in Syria—about 900—are there to finish the counter-ISIS mission, and I hear people, particularly on my side, say that we shouldn't be in Syria.

You know, doing the same thing over and over again expecting a different result is insanity. The last time we pulled all of our forces out of Iraq, it was President Obama with the support of then-Vice President Biden, the ISIS JV team became the varsity team. They took over great parts of Syria and Iraq. They destroyed the city of Mosul. They set up shop in Raqqa, Syria, and they launched attacks from Syria, ISIS directed, at United States and Europe throughout the world, killing thousands of people.

President Trump authorized our military to take down the caliphate. And this idea that if you leave, they won't come back is stupid. You know nothing if you believe that. You may be tired of fighting radical Islam. They are not tired of fighting you. I would rather fight in their backyard than ours. They are going to destroy us if we don't destroy them.

Here is the good news. They are on the run. As long as we keep some of our forces in place, working with people in Syria and Iraq who do not want to live under ISIS rule, we will be relatively safe. If you pull all the troops out, you are going to get the same outcome. People who keep arguing this, you really are doing a great disservice to the country, and your arguments make zero sense. You don't understand the enemy. You have no idea what this war is about.

This is a religious struggle. They have declared war on every faith but their own. They want to purify Islam in their own image—ISIS and al-Qaida. They want to destroy the State of Israel and eventually come after us. Leaving them alone doesn't guarantee you much. In 2001, before 9/11, we didn't have one soldier in Afghanistan. We didn't even have an embassy. We totally abandoned Afghanistan, and the attack against our country on 9/11 originated in Afghanistan.

When will you learn that these people are out to get you? And when I say ''you,'' I mean Americans. Anybody who believes in diversity in faith, they have a world view that has no place for you. The good news is most people in the Mideast are not buying what they are selling, but they are very lethal and dangerous left unattended.

Now, when you create the right mix of U.S. forces and local forces, you pretty well keep them on the run and keep them at bay. So to those who suggest we shouldn't be in Syria with 900 U.S. forces to prevent ISIS from coming back, you are setting the stage for a reemergence of ISIS, and once is enough, folks.

They destroyed the Yazidi population, raped women by the thousands and created carnage all over Syria and Iraq and projected attacks against American Western allies from a safe haven in Raqqa, Syria.

Now, the theory of the case here is that we as Congress need to take back authority, and this authorization to use force no longer needs to be in place because the war against Saddam Hussein is over. We can argue about Iraq being a good idea or a bad idea. We did have bad intelligence. But here is what I would say 20 years later. Saddam being dead is a good thing, from my point of view, because he was a thug and a dictator on steroids. And the people of Iraq are on their second or third election. It has been messy, but they are moving in the right direction. And we have 2,500 troops back in Iraq to make sure ISIS doesn't come back and destabilize the region and try to have some influence against the Iranians.

So if you want to repeal the AUMF, I think you owe it to the troops to follow it with something. So the people who want to do this say: Article II, which is the inherent authority of the Commander in Chief, allows President Biden to protect our troops in Iraq. There is truth to that. But the whole idea is for us as a Congress to have a say in foreign policy and not sort of give a blank check. So if you want to cancel the check to go after Saddam because he is not around, I think you owe it to the troops to lend your voice because the enemy sees this as retreat.

No matter what you want the enemy to believe about what is going on here, all they understand is the American Congress is making a step to get out of Iraq, and that is good news for them.

After Afghanistan—the disaster there—don't you think we should be more clear in our thought?

The Biden administration was wrong to take troops out of Afghanistan. They are right to have troops in Iraq and Syria, but the Congress is trying to be a bit hypocritical here. We want to cancel one authorization to use force, and we don't have the courage, apparently, politically, to say the military has our approval, as a Congress working with the President, to go after Shiite militias that are killing our forces in Iraq and attacking them regularly.

What does Iran want?

Now, this is not an authorization to go after the Iranian regime. It is an authorization to protect American forces in Iraq from attacks in Iraq coming from Shiite militias loyal to Iran.

What are they trying to achieve?

They want to drive us out. If the 900 troops left Syria tomorrow, Assad would eventually conquer what is left of Syria and ISIS would fill that vacuum and you would have a conflict with Turkey and the Kurds. And all the people—our chairman of the Armed Services Committee is a very smart guy and a very great friend—all the Kurds who fought with us, they would be wiped out.

So I am glad the Biden administration is going to stay in Syria because we need those troops to keep ISIS from coming back and to work with our Kurdish partners.

But when it comes to Iraq, they are trying to drive us out because Iran wants us out of Syria so their buddy Assad can run the place. They want us out of Iraq so the Shiite radical elements in Iraq can topple the Iraqi Government, and the Shiite militias would take authority away from the Iraqi Army, and they will have influence over Iraq and Syria.

It is not in America's interest to allow the Ayatollah in Iran to have more influence and more spaces to govern and more oil to generate revenue from. So if you don't get that, you are not really following what is going on.

So no matter what you say about article II, I hate to tell you, ISIS probably doesn't follow our Constitution that closely. The best thing we could do, if you want to repeal the 2002 AUMF that was generated to get rid of Saddam, replace it with something new—an authorization to use force to protect our troops that we all agree or most of us agree should be in Iraq to protect America from attacks from Shiite militias. That amendment was rejected.

Here is what you are doing. You are sending a signal by doing this that we are leaving, we are withdrawing, and that we don't have the will as a nation to see this thing through. There is nothing good comes from this. You are openly admitting the President has authority to use force to protect our troops, but you are not going to lend your voice to that cause, and I don't understand that.

If the Congress, working with the President, said: No matter who is President, you have the ability to use military force to protect our troops against Shiite militias in Iraq, that would make us stronger. The enemy would understand it better. Our allies would understand it more clearly. And they have got to be wondering, What the hell is going on here?

So the bottom line is, you are setting in motion, by not replacing the AUMF with something specific to Shiite militias that are attacking our troops regularly—you are setting in motion more danger for those in Iraq and eventually Syria.

And I don't question your patriotism. I do question our judgment as a body. This is a very ill-conceived idea. It is going to juice up the enemy. It is going to confuse our allies. And it could be easily fixed, but we choose not to.

I don't know what the political environment is in America today, but the idea that the war is over with radical Islam is insane. I have listened to people—some on my side—come down here and want to repeal the authorization to go after al-Qaida and affiliated groups after 9/11. General Kurilla, the CENTCOM commander in charge of the region, said, last week, because of our withdrawal from Afghanistan, ISIS in Afghanistan has the ability to strike us in this country within 6 months without warning.

So can you imagine the damage to be done to national security interests if we repeal the 2001 AUMF?

So I will close with this. While I understand theoretically why we want to replace—get rid of the 2002 AUMF because Saddam is gone, I don't understand why we are leaving this vacuum and this doubt. This is easily fixed.

You are creating a narrative that is going to come back to haunt us. You think it is an accident within 2 days of introducing this idea that they hit us in Syria again? They are going to test us.

And here is what I think. The Biden administration is doing a lousy job, quite frankly, of instilling fear in the enemy. Whether you like Trump or not, people were afraid of him. And there is no fear. And here is what I would like to have established: Working with the administration, not against them, to send a clear signal: You kill Americans at your own peril. We are not leaving. We are not going to let radical Islam come back and do it all over again.

So I will be voting no. This is one of the most ill-conceived ideas after 9/11.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I rise today to express my support for S. 316 and the repealing of the 1991 and 2002 authorization for the use of military force, or AUMF. I commend Senators KAINE and YOUNG for their relentless work on this bill, and I am glad to be a cosponsor of it along with 43 of my colleagues.

I voted against the 2002 AUMF when it was introduced more than 20 years ago. And I can assure you that as we debated that bill at that time, no one would have believed that 20 years later we would be on the floor debating its repeal. The war against Saddam Hussein is long over, and our bilateral relationship with Iraq is fundamentally different today. In our current fight against violent extremists, the Biden administration has clearly stated it does not rely on the 2002 AUMF as the basis for any ongoing military operations.

Let's remember what the 2002 AUMF authorizes. The United States went to war, ''to defend the national security of the United States against the continuing threat posed by Iraq.'' The Bush administration alleged, falsely, that Iraq had amassed an arsenal of nuclear weapons. Bush administration officials also alleged that the Iraq Government had ties to the al-Qaida terrorists that attacked the United States on September 11, 2001. These false pretenses and cherry-picked information provided the basis for Congress to authorize the war in Iraq in 2002—again, an authorization I opposed.

And this costly war of choice caused the United States irreparable harm. It caused us to take our eyes off violent extremist groups throughout the region and resurgent Taliban in Afghanistan. It also forced us to take our eyes off Russia and China as they became peer competitors. As we spent billions of dollars investing in tactical vehicles to protect our troops in a counterinsurgency, as we spent billions of dollars to try to train Afghan forces, the Russians and the Chinese invested in hypersonic vehicles, in very sophisticated long-range precision strike weapons. And the Chinese have been building an entire navy since then. We paid little attention because we were preoccupied with Iraq.

And finally and ironically, our war in Iraq allowed Iran to become one of the most powerful and dangerous forces in the region, because we took out a block against their ambition, which had been Saddam Hussein and Iraq. As a result, we are paying, today, for those errors in judgment, and I think it is only fitting that we recognize it and repeal those AUMFs.

We have ongoing operations to suppress violent extremists. Beginning on 9/11 and going forward, we have been fighting anyone who has aspirations to use terror attacks against the U.S. homeland or our allies. That is as a result of the 2001 AUMF that essentially empowered our government to find and defeat terrorists, anywhere they are, who pose a threat to the United States and to our allies. Retaining the 2001 AUMF or an appropriate successor to that statute remains essential for the Defense Department's current counterterrorism operations, and Congress must continue to exercise robust oversight over its use.

Further, the Biden administration has drawn a clear distinction between the two Iraq AUMFs that would be repealed under S. 316 and the 2001 AUMF. The repeal of the two AUMFs would have no impact on our current operations, and as a domestic legal basis, no ongoing military activities rely solely on either the 1991 or the 2002 AUMF.

Leaving the 2002 authorization in place sends a harmful signal to Iraq, where our forces remain at the invitation of the Government of Iraq. Iraq is a critical partner now in our fight against ISIS and in our fight against Shia militias that are transiting Iraq and attacking our forces in Syria. We should not communicate to the Iraqi Government that the United States reserves the right to use force against its nation in the future. This is contrary to the cooperation that our military forces need to counter ISIS operations.

Further, keeping the 2002 AUMF provides a propaganda tool for Iran. The Iranian Government is constantly seeking to convince the Iraqis that Tehran, not Washington, is a more reliable partner. We face a real and growing threat from Iran, but the 2002 AUMF does not authorize the use of force against Iran, and it must not be relied on for that purpose now.

Finally, as laid out in the Constitution, Congress has the sole power to declare war. We must exercise that responsibility with the utmost care when it comes to matters of the use of military force. Repealing AUMFs that have served their intended purposes and are no longer applicable to current military operations is fully consistent with the careful exercise of the Senate's constitutional responsibilities.

On that basis, I support S. 316 and the repeal of the 2002 and 1991 AUMFs. Again, I commend Senator Kaine for his leadership, and I urge my colleagues to vote yes on this bill.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Madam President, I ask unanimous consent that I be allowed to complete my statement before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Madam President, the vote the Senate is about to take is about what is right for our Nation. It is part of exercising our most solemn duty as elected officials. It is a recognition that Congress not only has the power to declare war but also should have the responsibility to end wars, and it is a decision to turn the page on one of those chapters in our country's history.

With today's vote, we can move closer to repealing two obsolete and outdated authorizations for the use of military force against Iraq. Repealing these authorizations will demonstrate to the region—and to the world—that the United States is not an occupying force; that the war in Iraq has come to an end; that we are moving forward, working with Iraq as a strategic partner. So I commend the Senate for moving forward to take this critical step.

I hope the Senate will speak overwhelmingly in support of preserving congressional prerogatives as to when and under what circumstances we send our sons and daughters, brothers and sisters into harm's way and clawing back authorities that have clearly outlived their purpose and scope.

Some of my colleagues have argued that repealing 20- and 30-year-old authorizations will weaken our ability to confront Iranian aggression. Some have offered amendments that would alter these authorizations. Others have offered amendments that would expand these authorizations. And a few have offered amendments that have, well, quite frankly, nothing at all to do with these authorizations. So let me address that point briefly.

Just in the last few days, the President directed targeted strikes against groups affiliated with Iran's Islamic Revolutionary Guard Corps in Syria. This was in response to Iranian-backed drone attacks that killed a U.S. contractor and wounded five American servicemembers at a maintenance facility in Syria. The President looked at the intelligence, he consulted his advisors, he ordered the strike, and he committed, publicly, to continue to defend against Iranian aggression and to respond to attacks against U.S. forces. He did so without—without—relying on the 1991 or 2002 authorizations for use of military force against Iraq.

This President has been clear in his view that he has sufficient authority to defend against threats to U.S. personnel and interests. If we are going to debate whether to provide the President additional authorities, then we should have that debate separately. But it should not be under the cloak of keeping old authorizations on the books, authorizations that are not needed to meet any current threat. They are not about the current threat; they are about a regime that is no longer alive and has been gone for the better part of those 20 years. This is just a tactic to delay this repeal from going forward. Nor should we turn a debate about repeal and a chance to take

a historic step forward into a new backdoor authorization for the use of force against another country.

So I urge my colleagues to stay focused on the facts, repeal an authorization that is no longer used or needed, and close this chapter on American foreign policy. Let's finally—finally—repeal the 1991 and 2002 authorizations for use of military force against Iraq. I urge my colleagues to vote to move forward with repeal of these AUMFs.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 25, S. 316, a bill to repeal the authorizations for use of military force against Iraq.

Charles E. Schumer, Robert Menendez, Tim Kaine, Tina Smith, Benjamin L. Cardin, Jeanne Shaheen, Sheldon Whitehouse, Tammy Baldwin, Patty Murray, Michael F. Bennet, Elizabeth Warren, Tammy Duckworth, Robert P. Casey, Jr., Christopher Murphy, Catherine Cortez Masto, Jack Reed, Brian Schatz.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on Calendar No. 25, S. 316, a bill to repeal the authorizations for use of military force against Iraq, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from California (Mrs. FEINSTEIN), the Senator from Pennsylvania (Mr. FETTERMAN), and the Senator from California (Mr. PADILLA) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Tennessee (Mrs. BLACKBURN), and the Senator from Kentucky (Mr. MCCONNELL).

The yeas and nays resulted—yeas 65, nays 28, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—65

Baldwin	Durbin	Markey
Bennet	Gillibrand	Marshall
Blumenthal	Grassley	Menendez
Booker	Hassan	Merkley
Braun	Hawley	Moran
Brown	Heinrich	Murkowski
Budd	Hickenlooper	Murphy
Cantwell	Hirono	Murray
Cardin	Hoeven	Ossoff
Carper	Kaine	Paul
Casey	Kelly	Peters
Cassidy	King	Reed
Collins	Klobuchar	Rosen
Cortez Masto	Lee	Sanders
Cramer	Luján	Schatz
Daines	Lummis	Schmitt
Duckworth	Manchin	Schumer
Shaheen	Van Hollen	Welch
Sinema	Vance	Whitehouse
Smith	Warner	Wyden
Stabenow	Warnock	Young
Tester	Warren	

NAYS—28

Boozman	Hagerty	Rubio
Britt	Hyde-Smith	Scott (FL)
Capito	Johnson	Scott (SC)
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Mullin	Tillis
Cruz	Ricketts	Tuberville
Ernst	Risch	Wicker
Fischer	Romney	
Graham	Rounds	

NOT VOTING—7

Barrasso	Feinstein	Padilla
Blackburn	Fetterman	
Coons	McConnell	

The PRESIDING OFFICER (Mr. KING). On this vote, the yeas are 65, the nays are 28.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

REMEMBERING GLADYS KESSLER

Mr. WHITEHOUSE. Mr. President, I am here this evening to commemorate the passing of a remarkable individual. I only met her once when I went over to speak at a gathering of the U.S. District Court for the District of Columbia. But on March 16, at the age of 85, Her Honor Judge Gladys Kessler passed away.

She had been quite a trailblazer before she went on the court. She cofounded the Women's Legal Defense Fund, now known as the National Partnership for Women & Families, and she served as the president of the National Association of Women Judges.

In her career, she rendered a lot of very good decisions, but the most memorable one and the one that exemplified some of the characteristics I admired the most about her was the decision that she rendered exposing in detail a conspiracy by the tobacco industry to deceive the American public about the safety of tobacco.

The Big Tobacco scheme is one that we are, I think, pretty familiar with. You pay a lot of phony-baloney for-hire scientists to produce studies making false claims about your product, you hire a web of PR experts and front groups to spread doubt and critique the actual real science that you don't like, and you have paid intermediaries to relentlessly attack and try to smear your opponents.

In the face of this behavior, we had a remedy: the Racketeer Influenced and Corrupt Organizations Act, the RICO Act.

In 1999, the U.S. Department of Justice filed a civil RICO lawsuit against the major tobacco companies and their associated industry groups alleging that the companies, and I will quote the complaint here, ''engaged in and executed—and continue to engage in and execute—a massive 50-year scheme to defraud the public, including consumers of cigarettes, in violation of RICO.''

The case took 7 years, but in 2006, Judge Kessler wrote one of the most impressive opinions I have ever seen from a U.S. district court judge. It was 1,683 pages long. She went through the evidence that the U.S. Department of Justice had marshaled, and she organized it and laid it out in a way that was completely compelling, that completely crushed the defendant tobacco companies, to the point where, when it was on appeal, the U.S. Court of Appeals for the DC Circuit very powerfully upheld it. It is one of the powers of a district judge that, with the authority to find the facts and marshal the evidence properly, you can make virtually bomb-proof opinions, and in 1,683 pages, Judge Gladys Kessler did just that. She found the defendant—here is her quote:

Defendants coordinated significant aspects of their public relations, scientific, legal, and marketing activity in furtherance of a shared objective—to . . . maximize industry profits by preserving and expanding the market for cigarettes through a scheme to deceive the public.

She added:

In short, [they] have marketed and sold their lethal product with zeal, with deception, with a single-minded focus on their financial success, and without regard for the human tragedy or social costs that success exacted.

It was a testament—this opinion was—to judicial diligence, and it left a permanent, solid record for history of the campaign of fraud that the tobacco industry had run until that point.

Of course, in order for her to be able to render that decision, there had to be a plaintiff willing to bring the case. So kudos also to the U.S. Department of Justice back then for being willing to take on a defendant as powerful as the tobacco industry. We forget, now that smoking is so much less of a thing, how enormously powerful the tobacco industry was, how its network of suppliers gave it footholds in every State, how its enormous revenues allowed it to cut into this building and manipulate the politics of the U.S. Congress to the great detriment of the health of the American people.

It goes without saying that there is an obvious parallel between the conduct of the tobacco industry leading up to Judge Kessler's decision and the conduct of the fossil fuel industry.

In fact, experts point out that when Judge Kessler's decision shut down the fraud of the tobacco industry, some of the individuals and some of the organizations that had been involved in that fraud simply rebooted themselves as new experts in how to deny climate science.

I hope that we come to a point where today's Department of Justice has the diligence and the fortitude to go ahead with a similar action. But today, this is about Judge Kessler—a woman who saw something going very badly wrong and sat down and wrote a 1600-page decision to put it right. I think it is a pretty terrific example.

And I have a few bits of business, if I may, and then we will open the floor to the other speakers.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, pursuant to Public Law 106–286, appoints the following Members to serve on the Congressional-Executive Commission on the People's Republic of China: The Honorable ANGUS S. KING of Maine and The Honorable TAMMY DUCKWORTH of Illinois.

RECOGNIZING THE WEEK OF MARCH 19 THROUGH MARCH 25, 2023, AS ''NATIONAL POISON PREVENTION WEEK'' AND ENCOURAGING COMMUNITIES ACROSS THE UNITED STATES TO RAISE AWARENESS OF THE DANGERS OF POISONING AND PROMOTE POISON PREVENTION

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged, and the Senate now proceed to S. Res. 123.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 123) recognizing the week of March 19 through March 25, 2023, as ''National Poison Prevention Week'' and encouraging communities across the United States to raise awareness of the dangers of poisoning and promote poison prevention.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 123) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of March 23, 2023, under ''Submitted Resolutions.'')

MORNING BUSINESS

TRIBUTE TO COLLEEN CALLAHAN

Mr. DURBIN. Mr. President, since 1987, we have recognized March as Women's History Month. It is an opportunity to honor the women who have served our Nation throughout our history.

This March, I want to commend one woman who has devoted her life to serving my home State of Illinois: Colleen Callahan. After nearly 4 years of service, Colleen recently stepped down from her role as the first-ever female director for the Illinois Department of Natural Resources. Throughout her tenure, Colleen was a dedicated steward of our State's natural wonders, all while navigating a once-in-a-century pandemic. While this was an historic challenge, it was far from the first she has faced in her career. Time and again, Colleen has stood up in the face of adversity and persevered.

Colleen has a record of breaking down barriers. As a young woman living on a family farm near Milford, IL, she took a keen interest in agriculture, which, back then, was something of a boy's club. But that didn't stop her from pursuing her childhood passion. She participated in livestock shows and even achieved the title of Youngest Exhibitor of a Grand Champion at the International Livestock Exhibition in Chicago at just 9 years old. Despite her talent and success, Colleen was unable to join the Future Farmers of America, not because of merit, but because women were not yet eligible for consideration. But she pressed on.

After high school, Colleen attended the University of Illinois at Urbana-Champaign, and pursued a degree in agricultural communications, at a time when very few women were represented in broadcast journalism. As a freshman in college, she became the first woman to join the Illinois State 4–H Livestock Judging Team, a true full-circle moment. By the time she graduated with honors in 1973, she had already accepted her first job as an agribusiness reporter for WMBD-TV in Peoria. For the next three decades, Colleen made her dream of becoming a broadcast journalist a reality.

And her record of accomplishment was just beginning. After years as a successful reporter, Colleen became the first-ever female agribusiness director for WMBD-TV. Shortly after, she served as the first female president of the National Association of Farm Broadcasting. Being the ''first'' is never easy, but, as evidenced by her remarkable career, Colleen has never been afraid to venture into new territory. And, because of her determination, she has opened many doors that have previously been closed to women in agriculture.

In addition to her passion for broadcasting and agriculture, Colleen also has answered the call to public service. Really, she was born for it. Colleen comes from a family of true public servants: Her uncle, Gene Callahan, was a dear friend of mine, and a lifelong Democrat whom I worked alongside under former U.S. Senator, and my mentor and friend, Paul Simon. And Gene's daughter—Colleen's cousin—is former Congresswoman Cheri Bustos, who represented Illinois' 17th Congressional District from 2013 to January of this year—not to mention her father, Francis Callahan, who was chair of the Iroquois County Democrats, and her grandfather, Joe Callahan, who was vice chairman of the Iroquois County Democrats and a member of the Illinois State House of Representatives.

So it was no surprise when Colleen announced she was running for Illinois' 18th Congressional District in 2008. While she may have come up just short in that race, Colleen speaks fondly of the experience. She once said, ''Not winning doesn't mean losing!''

But still, Colleen went on to win countless victories for the people of Illinois. Shortly after her run for Congress, then-President Barack Obama appointed her to serve as the U.S. Department of Agriculture's Illinois State Director of Rural Development.

And in March 2019, Illinois Governor JB Pritzker appointed her as director of the Illinois Department of Natural Resources, making her the first woman in Illinois history to hold this position. The Illinois Department of Natural Resources helps manage our more than 400 State parks, historic sites, wildlife, and water resources. Colleen had about a year to get her bearings as director until the COVID–19 pandemic hit. And during this unprecedented and tumultuous time, she certainly rose to the occasion. She preserved and expanded our State's invaluable natural resources at the exact moment they were needed. During the darkest days of the pandemic, Illinoisans sought comfort and quality time outdoors. So our State parks, historical sites, and natural areas became a sanctuary for many—and Colleen was there for our families every step of the way.

In 2021, she spearheaded the effort to re-name an invasive species of fish—previously known as Asian carp—to ''Copi,'' short for the word ''copious,'' given how abundant the carp is in Illinois rivers and streams.

And, after a consistent, decades-long decline in general revenue funding for the Illinois Department of Natural Resources, Colleen secured the department's largest State budget in more than 20 years, which is now funding long overdue improvements at sites across our State. Today, Colleen's hard work is paying off. With these new funds, she has played a hand in reopening the Rend Lake Resort, located in Wayne Fitzgerrell State Park in Franklin, IL. For a long time, the Rend Lake Resort served as Franklin's economic powerhouse, but after years of neglect and financial troubles, the resort had no option but to prepare for permanent closure. Its future seemed bleak until Colleen stepped in and saved the day. And later this year, the department will break ground on a $17.5 million renovation that will revamp the facility and breathe fresh life into Rend Lake Resort.

This investment, along with Colleen's efforts to reduce Illinois' carbon footprint and mitigate the effects of climate change, has and will make a difference in the lives of every Illinoisan. While Colleen has closed this chapter of her distinguished career, she, thankfully, has no plans to fully retire from public life. For her, there is still much left to be done.

I want to thank Colleen for her dedication to public service and for never

being afraid to shatter a few glass ceilings along the way. She is a trailblazer and a role model to many. Illinois is truly grateful for her contributions to our great State. Loretta and I wish Colleen and her husband Dick much happiness in their next chapter.

ADDITIONAL STATEMENTS

RECOGNIZING LEGACY MANUFACTURING COMPANY

● Ms. ERNST. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, each week I recognize an outstanding Iowa small business that exemplifies the American entrepreneurial spirit. This week, it is my privilege to recognize Legacy Manufacturing of Marion, IA, as the Senate Small Business of the Week for the week of March 27, 2023.

When it came to everyday construction and household tools, the Weems family was unsatisfied with the current products on the market. In 1986, the family decided to take matters into their own hands and opened a small manufacturing company to develop products they considered to be lacking in the market. Through decades of dedication to crafting innovative products, the Weems family business has grown into Legacy Manufacturing, a company that makes high-quality, long-lasting tools and equipment for professional and consumer use. Legacy Manufacturing is a prime example of the two things that make America great: entrepreneurial spirit and family.

For almost 40 years, Legacy Manufacturing has kept smart engineering, quality materials, and top-notch production standards at the forefront of their company. Starting off as a small manufacturer in eastern Iowa, Legacy Manufacturing has received national recognition for their uniquely designed innovative hose, which they named the ''Flexzilla.'' The Flexzilla is a staple in their product line and can be found across global markets. The Flexzilla is lighter and has a more durable outer cover than the traditional water hose. Additionally, the entire hose is drinking water safe, so kids on a hot Iowa summer day can enjoy a refreshing drink, and parents can rest easy knowing that the Flexzilla is made with this in mind.

Legacy Manufacturing's commitment to quality products has paid off. The Flexzilla hose has consistently been ranked the best garden hose for years. Recently, it was ranked as one of the best garden hoses of 2023 by People Magazine and NBC News. Ultimately, it was ranked as the best garden hose overall for 2023 in an independent review by USA Today and was named one of the ''best of the best'' garden hoses by BestReviews LLC in 2022.

The Weems family's leadership has been integral to revolutionizing the consumer experience and has emerged as a unique market leader for a wide range of tools. When a customer buys a product from Legacy Manufacturing, they can be assured that they are getting the best product on the market in terms of quality, innovation, and product safety. Legacy Manufacturing offers a wide range of professional grade service and maintenance equipment for the automotive, industrial, contractor, agricultural, and marine markets throughout North America. The motto of the company is ''taking the work out of work.'' This means that they make sure each of their products are made from quality materials and ensure that they are built to last. Legacy Manufacturing currently is home to six different brands: the Legacy brand, Flexzilla, ColorConnex, SmartFlex, Lock-n-Load, and Workforce. All of these brands have a different focus to diversify the product line and ensure that every customer is satisfied with their product. They have gone so far that they even created YouTube videos that demonstrate to consumers how each of their products work.

For over 40 years, Legacy Manufacturing has been able to achieve success in eastern Iowa. In 2016, they completed their 133,000-square-foot facility in Marion, IA. In 2017, they were able to start a 200,000-square-foot expansion of their facilities in Marion, thanks to the Iowa Economic Development Authority—IEDA—grant program. The expansion adds to the growing reshoring movement in an effort to bring back manufacturing jobs to the United States. The expansion created 13 new jobs which brought the number of people employed by Legacy Manufacturing to about 75 employees. Overall, the company brings hope and prosperity to Iowa as more manufacturing jobs return to the United States.

Not only has the company received wide acclaims by industry experts for their high-performing products, Legacy Manufacturing and the Weems family have been recognized for their commitment to employing Iowans and growing the local economy. I want to commend the Weems family and the entire team at Legacy Manufacturing for their commitment to innovation and for their perseverance in growing their manufacturing company in the United States. Congratulations, I look forward to your continued growth and success in Iowa.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Kelly, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:03 p.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 406. An act to provide for the treatment of the Association of Southeast Asian Nations as an international organization for purposes the International Organizations Immunities Act, and for other purposes.

The message also announced that the House of Representatives having proceeded to reconsider the resolution (H.J. Res. 30) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Labor relating to ''Prudence and Loyalty in Selecting Plan Investments and Exercising Shareholder Rights'', returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved that the said resolution do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

At 4:52 p.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5. An act to ensure the rights of parents are honored and protected in the Nation's public schools.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 25. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5. An act to ensure the rights of parents are honored and protected in the Nation's public schools; to the Committee on Health, Education, Labor, and Pensions.

H.R. 406. An act to provide for the treatment of the Association of Southeast Asian Nations as an international organization for purposes of the International Organizations Immunities Act, and for other purposes; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–801. A communication from the Associate Administrator of the Environmental

Protection Agency, transmitting, pursuant to law, a report relative to the White House Council on Environmental Quality's (CEQ) response to the White House Environmental Justice Advisory Council's (WHEJAC) Phase One Scorecard Recommendations Report (Scorecard Report); to the Committee on Environment and Public Works.

EC–802. A communication from the Director of the Regulatory Secretariat Division, Office of Governmentwide Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Management Regulation; Real Estate Acquisition'' (RIN3090–AK42) received during adjournment of the Senate in the Office of the President of the Senate on March 20, 2023; to the Committee on Environment and Public Works.

EC–803. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''NSPS Review for Lead Acid Battery Manufacturing Plants and National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources Technology Review'' (FRL No. 8602–02–OAR) received during adjournment of the Senate in the Office of the President of the Senate on March 20, 2023; to the Committee on Environment and Public Works.

EC–804. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Deletion from the National Priorities List'' (FRL No. 10632–02–OLEM) received in the Office of the President of the Senate on March 20, 2023; to the Committee on Environment and Public Works.

EC–805. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Partial Approval, Conditional Approval, and Partial Disapproval of Air Quality State Implementation Plans; Nevada; Infrastructure Requirements for Fine Particulate Matter'' (FRL No. 10224–02–R9) received in the Office of the President of the Senate on March 20, 2023; to the Committee on Environment and Public Works.

EC–806. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; California; Innovative Clean Transit Regulation'' (FRL No. 9936–02–R9) received in the Office of the President of the Senate on March 20, 2023; to the Committee on Environment and Public Works.

EC–807. A communication from the Chief of the Branch of Domestic Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Threatened Species Status With Section 4(d) Rule for the Upper Coosa River Distinct Population Segment of Frecklebelly Madtom and Designation of Critical Habitat'' (RIN1018–BE87) received in the Office of the President of the Senate on March 14, 2023; to the Committee on Environment and Public Works.

EC–808. A communication from the Chief of the Branch of Domestic Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Endangered Species Status for Prostrate Milkweed and Designation of Critical Habitat'' (RIN1018–BE65) received in the Office of the President of the Senate on March 14, 2023; to the Committee on Environment and Public Works.

EC–809. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Virginia; 1997 8-Hour Ozone National Ambient Air Quality Standards Second Maintenance Plan for the Richmond-Petersburg Area'' (FRL No. 9148–02–R3) received during adjournment of the Senate in the Office of the President of the Senate on March 20, 2023; to the Committee on Environment and Public Works.

EC–810. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Alabama; Update to Materials Incorporated by Reference'' (FRL No. 9361–01–R4) received during adjournment of the Senate in the Office of the President of the Senate on March 20, 2023; to the Committee on Environment and Public Works.

EC–811. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Georgia; Update to Materials Incorporated by Reference'' (FRL No. 9363–01–R4) received during adjournment of the Senate in the Office of the President of the Senate on March 20, 2023; to the Committee on Environment and Public Works.

EC–812. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Indiana; Revisions to Particulate Matter Rules; Vertellus'' (FRL No. 10117–02–R5) received during adjournment of the Senate in the Office of the President of the Senate on March 20, 2023; to the Committee on Environment and Public Works.

EC–813. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Alaska; Adoption and Permitting Rule Updates'' (FRL No. 10452–02–R10) received during adjournment of the Senate in the Office of the President of the Senate on March 20, 2023; to the Committee on Environment and Public Works.

EC–814. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category—Initial Notification Date Extension'' (FRL No. 8794.1–02–OW) received in the Office of the President of the Senate on March 14, 2023; to the Committee on Environment and Public Works.

EC–815. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to Method 23 — Determination of Polyclorinated Dibenzo-P–Dioxins and Polychlorinated Dibenzofurans from Stationary Sources'' (FRL No. 5937–02–OAR) received in the Office of the President of the Senate on March 14, 2023; to the Committee on Environment and Public Works.

EC–816. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Testing Provisions for Air Emission Sources'' (FRL No. 8335–02–OAR) received in the Office of the President of the Senate on March 14, 2023; to the Committee on Environment and Public Works.

EC–817. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''New Source Performance Standards Review for Industrial Surface Coating of Plastic Parts for Business Machines'' (FRL No. 8515–01–OAR) received in the Office of the President of the Senate on March 14, 2023; to the Committee on Environment and Public Works.

EC–818. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Quality Redesignation for the 2008 Lead National Ambient Air Quality Standards; Canton, Ohio; Stark County, Ohio'' ((RIN2060–AV66) (FRL No. 9631–01–OAR)) received in the Office of the President of the Senate on March 14, 2023; to the Committee on Environment and Public Works.

EC–819. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Main; 111(d)/129 Revised State Plan for Large Municipal Waste Combustors and State Plan for Small Municipal Waste Combustors and State Plan for Small Municipal Waste Combustors'' (FRL No. 10220–02–R1) received in the Office of the President of the Senate on March 14, 2023; to the Committee on Environment and Public Works.

EC–820. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Delay of Submittal Date for State Plans Required Under the Affordable Clean Energy Rule'' ((RIN2060–AV88) (FRL No. 10477–01–OAR)) received in the Office of the President of the Senate on March 14, 2023; to the Committee on Environment and Public Works.

EC–821. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards; Correction'' (FRL No. 7165–04–OAR) received in the Office of the President of the Senate on March 14, 2023; to the Committee on Environment and Public Works.

EC–822. A communication from the Chair, Medicaid and CHIP Payment and Access Commission, transmitting, pursuant to law, a report entitled ''March 2023 Report to Congress on Medicaid and CHIP''; to the Committee on Finance.

EC–823. A communication from the Chair, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled ''March 2023 Report to the Congress: Medicare Payment Policy''; to the Committee on Finance.

EC–824. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the Commission's Annual Performance Report for fiscal year 2022 and Annual Performance Plan for fiscal year 2023–2024; to the Committee on Finance.

EC–825. A communication from the Branch Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''New procedures for implementing the Alternative Cost Method for Real Estate Developers'' (Rev. Proc. 2023–9) received in the Office of the President of the Senate on March 14, 2023; to the Committee on Finance.

EC–826. A communication from the Branch Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Relief for Reporting Required Minimum Distributions for IRAs for 2023'' (Notice 2023–23) received in the Office of the President of the Senate on March 14, 2023; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TESTER, from the Committee on Veterans' Affairs:

Special Report entitled ''Legislative and Oversight Activities during the 117th Congress by the Senate Committee on Veterans' Affairs'' (Rept. No. 118–3).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MARSHALL (for himself and Mrs. GILLIBRAND):

S. 974. A bill to amend the Child Nutrition Act of 1966 to require the Secretary of Agriculture to make publicly available information on infant formula procurement under the special supplemental nutrition program for women, infants, and children; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. KLOBUCHAR (for herself, Mr. THUNE, Mr. HICKENLOOPER, and Mr. MORAN):

S. 975. A bill to require the Federal Communications Commission to reform the contribution system of the Universal Service Fund, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. YOUNG (for himself and Ms. HASSAN):

S. 976. A bill to establish and expand child care programs for parents who work nontraditional hours, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VAN HOLLEN (for himself, Ms. MURKOWSKI, Mr. CASEY, Mr. BROWN, Mr. CARDIN, Ms. STABENOW, Mr. REED, and Mr. TESTER):

S. 977. A bill to provide grants for fire station construction through the Administrator of the Federal Emergency Management Agency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself, Mr. KING, Ms. SMITH, and Ms. SINEMA):

S. 978. A bill to expand the use of open textbooks in order to achieve savings for students and improve textbook price information; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. SANDERS, Mr. TUBERVILLE, Mr. BROWN, and Mr. BLUMENTHAL):

S. 979. A bill to amend the Immigration and Nationality Act to reform and reduce fraud and abuse in certain visa programs for aliens working temporarily in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. TESTER (for himself and Mr. BRAUN):

S. 980. A bill to amend the Agricultural Marketing Act of 1946 to exempt industrial hemp from certain requirements under the hemp production program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JOHNSON (for himself, Mr. WYDEN, Mr. RISCH, Ms. BALDWIN, Mr. CRAPO, Mr. BRAUN, and Mr. WELCH):

S. 981. A bill to amend the Federal Food, Drug, and Cosmetic Act to define the term natural cheese; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MARSHALL (for himself, Mrs. BLACKBURN, and Mr. KENNEDY):

S. 982. A bill to establish an FBI hotline to receive tips about persons trying to engage in certain activities in the United States on behalf of the Government of China or the Chinese Communist Party, and to criminalize the performance of the functions of a law enforcement agency in the United States on behalf of the Government of China or the Chinese Communist Party; to the Committee on the Judiciary.

By Mr. SCOTT of Florida (for himself and Mr. WELCH):

S. 983. A bill to permit the Attorney General to award grants for accurate date on opioid-related overdoses, and for other purposes; to the Committee on the Judiciary.

By Mrs. GILLIBRAND (for herself and Mr. MARSHALL):

S. 984. A bill to amend the Child Nutrition Act of 1966 to permit video or telephone certifications under the special supplemental nutrition program for women, infants, and children, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LANKFORD (for himself, Mr. SCOTT of South Carolina, Mr. SCOTT of Florida, Mr. RISCH, Mr. CRUZ, Mr. GRAHAM, Mr. CRAPO, Mrs. HYDE-SMITH, Ms. ERNST, Mr. CRAMER, Mr. HAWLEY, Mr. TILLIS, Mrs. FISCHER, Mr. GRASSLEY, Mr. COTTON, and Mr. RUBIO):

S. 985. A bill to amend the Higher Education Act of 1965 to ensure campus access at public institutions of higher education for religious groups; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself and Mrs. CAPITO):

S. 986. A bill to increase the criminal penalty for mail fraud involving misrepresentation of the country of origin, to terminate the authority to exclude countries from the requirement to transmit advance electronic information for 100 percent of mail shipments under the STOP Act of 2018, and for other purposes; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Mr. SCOTT of Florida, Mr. PETERS, and Mrs. CAPITO):

S. 987. A bill to expand the HERO Child-Rescue Corps Program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HOEVEN (for himself and Mr. SULLIVAN):

S. 988. A bill to provide for coordination by the Federal Energy Regulatory Commission of the process for reviewing certain natural gas projects under the jurisdiction of the Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HOEVEN (for himself, Mr. MULLIN, Mr. SULLIVAN, and Mr. BUDD):

S. 989. A bill to establish a more uniform, transparent, and modern process to authorize the construction, connection, operation, and maintenance of international border-crossing facilities for the import and export of oil and natural gas and the transmission of electricity; to the Committee on Energy and Natural Resources.

By Mr. DAINES:

S. 990. A bill to require the Commander of the North American Aerospace Defense Command to conduct a gap analysis of the capabilities of the North American Aerospace Defense Command; to the Committee on Armed Services.

By Mr. CASSIDY (for himself, Mr. BARRASSO, Mrs. BLACKBURN, Mr. BOOZMAN, Mr. BRAUN, Mr. BUDD, Mrs. CAPITO, Mr. CORNYN, Mr. COTTON, Mr. CRAMER, Mr. CRAPO, Mr. DAINES, Ms. ERNST, Mrs. FISCHER, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGERTY, Mr. HAWLEY, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. JOHNSON, Mr. KENNEDY, Mr. LANKFORD, Mr. LEE, Ms. LUMMIS, Mr. MARSHALL, Mr. MCCONNELL, Mr. MORAN, Mr. MULLIN, Mr. RISCH, Mr. ROMNEY, Mr. RUBIO, Mr. SCHMITT, Mr. SCOTT of Florida, Mr. SCOTT of South Carolina, Mr. THUNE, Mr. TILLIS, Mr. TUBERVILLE, Mr. WICKER, Mr. YOUNG, and Mrs. BRITT):

S.J. Res. 22. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to ''Waivers and Modifications of Federal Student Loans''; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW (for herself and Ms. SINEMA):

S. Res. 125. A resolution supporting the goals and ideals of Social Work Month and World Social Work Day on March 21, 2023; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 133

At the request of Ms. COLLINS, the names of the Senator from Florida (Mr. SCOTT) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 133, a bill to extend the National Alzheimer's Project.

S. 134

At the request of Ms. COLLINS, the names of the Senator from Florida (Mr. SCOTT) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 134, a bill to require an annual budget estimate for the initiatives of the National Institutes of Health pursuant to reports and recommendations made under the National Alzheimer's Project Act.

S. 141

At the request of Mr. MORAN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Nevada (Ms. CORTEZ MASTO) were added as cosponsors of S. 141, a bill to amend title 38, United States Code, to improve certain programs of the Department of Veterans Affairs for home and community based services for veterans, and for other purposes.

S. 156

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. BUDD) was added as a cosponsor of S. 156, a bill to expand the use of

E–Verify to hold employers accountable, and for other purposes.

S. 321

At the request of Ms. KLOBUCHAR, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. MARKEY) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 321, a bill to amend title 18, United States Code, to define intimate partner to include someone with whom there is or was a dating relationship, and for other purposes.

S. 391

At the request of Mr. BOOZMAN, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 391, a bill to amend the Securities Exchange Act of 1934 to prohibit the Securities and Exchange Commission from requiring an issuer to disclose information relating to certain greenhouse gas emissions, and for other purposes.

S. 431

At the request of Mr. RISCH, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 431, a bill to withhold United States contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and for other purposes.

S. 469

At the request of Ms. ERNST, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. 469, a bill to require disclosure of the total amount of interest that would be paid over the life of a loan for certain Federal student loans.

S. 505

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. BUDD) was added as a cosponsor of S. 505, a bill to amend section 212(d)(5) of the Immigration and Nationality Act to reform immigration parole, and for other purposes.

S. 566

At the request of Mr. LANKFORD, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 566, a bill to amend the Internal Revenue Code of 1986 to modify and extend the deduction for charitable contributions for individuals not itemizing deductions.

S. 600

At the request of Mr. JOHNSON, the name of the Senator from Nebraska (Mr. RICKETTS) was added as a cosponsor of S. 600, a bill to amend the Controlled Substance Act to list fentanyl-related substances as schedule I controlled substances.

S. 686

At the request of Mr. THUNE, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Arizona (Mr. KELLY) were added as cosponsors of S. 686, a bill to authorize the Secretary of Commerce to review and prohibit certain transactions between persons in the United States and foreign adversaries, and for other purposes.

S. 747

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 747, a bill to authorize the Secretary of Agriculture to provide grants to States, territories, and Indian Tribes to address contamination by perfluoroalkyl and polyfluoroalkyl substances on farms, and for other purposes.

S. 858

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 858, a bill to permit the televising of Supreme Court proceedings.

S. 866

At the request of Ms. HASSAN, the names of the Senator from Maine (Mr. KING), the Senator from Kansas (Mr. MARSHALL) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 866, a bill to amend the Internal Revenue Code of 1986 to enhance tax benefits for research activities.

S. 870

At the request of Mr. PETERS, the names of the Senator from Delaware (Mr. COONS), the Senator from Kansas (Mr. MORAN), the Senator from Arkansas (Mr. BOOZMAN) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 870, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs.

S. 878

At the request of Mr. KENNEDY, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 878, a bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to modify the offenses relating to fentanyl, and for other purposes.

S. 894

At the request of Mr. CORNYN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 894, a bill to require the Secretary of Health and Human Services to collect and disseminate information on concussion and traumatic brain injury among public safety officers.

S. 969

At the request of Mr. YOUNG, the names of the Senator from New Hampshire (Ms. HASSAN) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 969, a bill to amend the National Quantum Initiative Act to make certain additions relating to quantum modeling and simulation, and for other purposes.

S. CON. RES. 8

At the request of Ms. STABENOW, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution expressing the sense of Congress that tax-exempt fraternal benefit societies have historically provided and continue to provide critical benefits to the people and communities of the United States.

S. RES. 120

At the request of Ms. ERNST, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. Res. 120, a resolution designating March 23, 2023, as ''National Women in Agriculture Day''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. KING, Ms. SMITH, and Ms. SINEMA):

S. 978. A bill to expand the use of open textbooks in order to achieve savings for students and improve textbook price information; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Affordable College Textbook Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The high cost of college textbooks continues to be a barrier for many students in achieving higher education.

(2) According to the College Board, during the 2022–2023 academic year, the average student budget for college books and supplies at 4-year public institutions of higher education was $1,240.

(3) The Government Accountability Office found that new textbook prices increased 82 percent between 2002 and 2012 and that although Federal efforts to increase price transparency have provided students and families with more and better information, more must be done to address rising costs.

(4) The growth of the internet has enabled the creation and sharing of digital content, including open educational resources that can be freely used by students, teachers, and members of the public.

(5) According to the Student PIRGs, expanded use of open educational resources has the potential to save students more than a billion dollars annually.

(6) Federal investment in expanding the use of open educational resources has lowered college textbook costs and reduced financial barriers to higher education, while making efficient use of taxpayer funds.

(7) Educational materials, including open educational resources, must be accessible to the widest possible range of individuals, including those with disabilities.

SEC. 3. OPEN TEXTBOOK GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) OPEN EDUCATIONAL RESOURCE.—The term ''open educational resource'' has the meaning given the term in section 133 of the Higher Education Act of 1965 (20 U.S.C. 1015b).

(3) OPEN TEXTBOOK.—The term ''open textbook'' means an open educational resource or set of open educational resources that either is a textbook or can be used in place of a textbook for a postsecondary course at an institution of higher education.

(4) RELEVANT FACULTY.—The term ''relevant faculty'' means both tenure track and contingent faculty members who may be involved in the creation or use of open textbooks created as part of an application under subsection (d).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(6) SUPPLEMENTAL MATERIAL.—The term ''supplemental material'' has the meaning given the term in section 133 of the Higher Education Act of 1965 (20 U.S.C. 1015b).

(b) GRANTS AUTHORIZED.—From the amounts appropriated under subsection (k), the Secretary shall make grants, on a competitive basis, to eligible entities to support projects that expand the use of open textbooks in order to achieve savings for students while maintaining or improving instruction and student learning outcomes.

(c) ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means an institution of higher education, a consortium of institutions of higher education, or a consortium of States on behalf of institutions of higher education.

(d) APPLICATIONS.—

(1) IN GENERAL.—Each eligible entity desiring a grant under this section, after consultation with relevant faculty, shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include a description of the project to be completed with grant funds and—

(A) a plan for promoting and tracking the use of open textbooks in postsecondary courses offered by the eligible entity and across participating members of the consortium, where applicable, including an estimate of the projected savings that will be achieved for students;

(B) a plan for identifying gaps in the open textbook marketplace in courses that are part of degree-granting programs, which may include a plan for evaluating, before creating new open textbooks, whether existing open textbooks could be used or adapted for the same purpose, and in the case that a gap exists, creating new open textbooks;

(C) a plan for quality review and review of accuracy of any open textbooks to be created or adapted through the grant;

(D) a plan for assessing the impact of open textbooks on instruction, student learning outcomes, course outcomes, and educational costs at the eligible entity and across participating members of the consortium, where applicable;

(E) a plan for disseminating information about the results of the project to institutions of higher education outside of the eligible entity, including promoting the adoption of any open textbooks created or adapted through the grant;

(F) a statement on consultation with relevant faculty, including those engaged in the creation of open textbooks, in the development of the application;

(G) a plan for professional development to build the capacity of faculty, instructors, and other staff to adapt and use open textbooks; and

(H) a plan for updating the open textbooks beyond the funded period.

(e) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall give special consideration to applications that demonstrate the greatest potential to—

(1) achieve the highest level of savings for students through sustainable expanded use of open textbooks in postsecondary courses offered by the eligible entity;

(2) expand the use of open textbooks at institutions of higher education outside of the eligible entity; and

(3) produce—

(A) the highest quality open textbooks;

(B) open textbooks that can be most easily utilized and adapted by faculty members at institutions of higher education;

(C) open textbooks that correspond to the highest enrollment courses at institutions of higher education;

(D) open textbooks created or adapted in partnership with entities within institutions of higher education, including campus bookstores, that will assist in marketing and distribution of the open textbook; and

(E) open textbooks that are accessible to students with disabilities.

(f) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use the grant funds to carry out any of the following activities to expand the use of open textbooks:

(1) Professional development for any faculty and staff members at institutions of higher education, including the search for and review of open textbooks.

(2) Creation or adaptation of open textbooks.

(3) Development or improvement of supplemental materials and informational resources that are necessary to support the use of open textbooks, including accessible instructional materials for students with disabilities.

(4) Research evaluating the efficacy of the use of open textbooks for achieving savings for students and the impact on instruction and student learning outcomes.

(g) LICENSE.—For each open textbook, supplemental material, or informational resource created or adapted wholly or in part under this section that constitutes a new copyrightable work, the eligible entity receiving the grant shall release such textbook, material, or resource to the public under a non-exclusive, royalty-free, perpetual, and irrevocable license to exercise any of the rights under copyright conditioned only on the requirement that attribution be given as directed by the copyright owner.

(h) ACCESS AND DISTRIBUTION.—The full and complete digital content of each open textbook, supplemental material, or informational resource created or adapted wholly or in part under this section shall be made available free of charge to the public—

(1) on an easily accessible and interoperable website, which shall be identified to the Secretary by the eligible entity;

(2) in a machine readable, digital format that anyone can directly download, edit with attribution, and redistribute;

(3) in a format that conforms to accessibility standards under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), where feasible; and

(4) with identifying information, including the title, edition, author, publisher, copyright date, and International Standard Book Number, if available.

(i) REPORT.—Upon an eligible entity's completion of a project supported under this section, the eligible entity shall prepare and submit a report to the Secretary regarding—

(1) the effectiveness of the project in expanding the use of open textbooks and in achieving savings for students;

(2) the impact of the project on expanding the use of open textbooks at institutions of higher education outside of the eligible entity;

(3) open textbooks, supplemental materials, and informational resources created or adapted wholly or in part under the grant, including instructions on where the public can access each educational resource under the terms of subsection (h);

(4) the impact of the project on instruction and student learning outcomes; and

(5) all project costs, including the value of any volunteer labor and institutional capital used for the project.

(j) ANNUAL REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall prepare and submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives detailing—

(1) the open textbooks, supplemental materials, and informational resources created or adapted wholly or in part under this section;

(2) the adoption of such open textbooks, including outside of the eligible entity;

(3) the savings generated for students, States, and the Federal Government through projects supported under this section; and

(4) the impact of projects supported under this section on instruction and student learning outcomes.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary.

SEC. 4. TEXTBOOK PRICE INFORMATION.

Section 133 of the Higher Education Act of 1965 (20 U.S.C. 1015b) is amended—

(1) in subsection (b)—

(A) by striking paragraph (6) and inserting the following:

''(6) OPEN EDUCATIONAL RESOURCE.—The term 'open educational resource' means a teaching, learning, or research resource that is offered freely to users in at least one form and that resides in the public domain or has been released under an open copyright license that allows for its free use, reuse, modification, and sharing with attribution.''; and

(B) in paragraph (9), by striking ''textbook that'' and all that follows through the period at the end and inserting ''textbook that may include printed materials, website access, and electronically distributed materials.'';

(2) in subsection (c)(1)—

(A) in the matter preceding subparagraph (A), by striking ''or other person or adopting entity in charge of selecting course materials'' and inserting ''or other person or entity in charge of selecting or aiding in the discovery and procurement of course materials'';

(B) in subparagraph (A), by inserting ''such institution of higher education or to'' after ''would make the college textbook or supplemental material available to''; and

(C) by adding at the end the following:

''(E) Whether the college textbook or supplemental material is an open educational resource.

''(F) For a college textbook or supplemental material delivered primarily in a digital format, a summary of terms and conditions under which a publisher collects and uses student data through the student's use of such college textbook or supplemental material, including whether a student can opt out of such terms and conditions.'';

(3) in subsection (d)—

(A) in the subsection heading, by striking ''ISBN''; and

(B) by striking paragraph (1) and inserting the following:

''(1) verify and disclose, on (or linked from) the institution's Internet course schedule, for each course listed in such course schedule, and in a manner of the institution's

choosing (except that if the institution determines that the disclosure of the information described in this subsection is not practicable or available for a college textbook or supplemental material, then the institution shall indicate the status of such information in lieu of the information required under this subsection)—

''(A) the International Standard Book Number of required and recommended college textbooks and supplemental materials, except that if the International Standard Book Number is not available for such college textbook or supplemental material, then the institution shall include in the Internet course schedule the author, title, publisher, and copyright date for such college textbook or supplemental material;

''(B) the retail price of required and recommended college textbooks and supplemental materials;

''(C) any applicable fee information of required and recommended college textbooks and supplemental materials;

''(D) whether each required and recommended college textbook and supplemental material is an open educational resource; and

''(E) for a college textbook or supplemental material delivered primarily in a digital format, a link to the summary required to be provided by the publisher under subsection (c)(1)(F); and'';

(4) by striking subsection (e) and inserting the following:

''(e) AVAILABILITY OF INFORMATION FOR COLLEGE BOOKSTORES.—

''(1) IN GENERAL.—An institution of higher education receiving Federal financial assistance shall assist a college bookstore that is operated by, or in a contractual relationship or otherwise affiliated with, the institution, in obtaining required and recommended course materials information and such course schedule and enrollment information as is reasonably required to implement this section so that such bookstore may—

''(A) verify availability of such materials;

''(B) source lower cost options, including presenting lower cost alternatives to faculty for faculty to consider, when practicable; and

''(C) maximize the availability of format options for students.

''(2) DUE DATES.—In carrying out paragraph (1), an institution of higher education may establish due dates for faculty or departments to notify the campus bookstore of required and recommended course materials.''; and

(5) in subsection (f)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5); and

(B) by inserting after paragraph (2) the following:

''(3) available open educational resources;''.

SEC. 5. SENSE OF CONGRESS.

It is the sense of Congress that institutions of higher education should encourage the consideration of open textbooks by faculty within the generally accepted principles of academic freedom that establishes the right and responsibility of faculty members, individually and collectively, to select course materials that are pedagogically most appropriate for their classes.

SEC. 6. GAO REPORT.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives on the cost of textbooks to students at institutions of higher education. The report shall particularly examine—

(1) the implementation of section 133 of the Higher Education Act of 1965 (20 U.S.C. 1015b), as amended by section 4, including—

(A) the availability of college textbook and open educational resource information on course schedules;

(B) the compliance of publishers with applicable requirements under such section; and

(C) the costs and benefits to institutions of higher education and to students;

(2) the change in the cost of textbooks;

(3) the factors, including open textbooks, that have contributed to the change of the cost of textbooks;

(4) the extent to which open textbooks are used at institutions of higher education; and

(5) how institutions are tracking the impact of open textbooks on instruction and student learning outcomes.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. SANDERS, Mr. TUBERVILLE, Mr. BROWN, and Mr. BLUMENTHAL):

S. 979. A bill to amend the Immigration and Nationality Act to reform and reduce fraud and abuse in certain visa programs for aliens working temporarily in the United States, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''H–1B and L–1 Visa Reform Act of 2023''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—H–1B VISA FRAUD AND ABUSE PROTECTIONS

Subtitle A—H–1B Employer Application Requirements

SEC. 101. MODIFICATION OF APPLICATION REQUIREMENTS.

(a) GENERAL APPLICATION REQUIREMENTS.—Section 212(n)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(A)) is amended to read as follows:

''(A) The employer—

''(i) is offering and will offer to H–1B nonimmigrants, during the period of authorized employment for each H–1B nonimmigrant, wages that are determined based on the best information available at the time the application is filed and which are not less than the highest of—

''(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(II) the median wage for all workers in the occupational classification in the area of employment; and

''(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(ii) will provide working conditions for such H–1B nonimmigrant that will not adversely affect the working conditions of United States workers similarly employed by the employer or by an employer with which such H–1B nonimmigrant is placed pursuant to a waiver under paragraph (2)(E).''.

(b) INTERNET POSTING REQUIREMENT.—Section 212(n)(1)(C) of such Act (8 U.S.C. 1182(n)(1)(C)) is amended—

(1) by redesignating clause (ii) as subclause (II);

(2) by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided''; and

(3) by inserting before clause (ii), as redesignated by paragraph (2), the following:

''(i) has posted on the Internet website described in paragraph (3), for at least 30 calendar days, a detailed description of each position for which a nonimmigrant is sought that includes a description of—

''(I) the wages and other terms and conditions of employment;

''(II) the minimum education, training, experience, and other requirements for the position; and

''(III) the process for applying for the position; and''.

(c) WAGE DETERMINATION INFORMATION.—Section 212(n)(1)(D) of such Act (8 U.S.C. 1182(n)(1)(D)) is amended by inserting ''the wage determination methodology used under subparagraph (A)(i),'' after ''shall contain''.

(d) APPLICATION OF REQUIREMENTS TO ALL EMPLOYERS.—

(1) NONDISPLACEMENT.—Section 212(n)(1)(E) of such Act (8 U.S.C. 1182(n)(1)(E)) is amended to read as follows:

''(E)(i) The employer—

''(I) will not at any time displace a United States worker with 1 or more H–1B nonimmigrants; and

''(II) did not displace and will not displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer.

''(ii) The 180-day periods referred to in clause (i) may not include any period of onsite or virtual training of H–1B nonimmigrants by employees of the employer.''.

(2) RECRUITMENT.—Section 212(n)(1)(G)(i) of such Act (8 U.S.C. 1182(n)(1)(G)(i)) is amended by striking ''In the case of an application described in subparagraph (E)(ii), subject'' and inserting ''Subject''.

(e) WAIVER REQUIREMENT.—Section 212(n)(1)(F) of such Act (8 U.S.C. 1182(n)(1)(F)) is amended to read as follows:

''(F) The employer will not place, outsource, lease, or otherwise contract for the services or placement of H–1B nonimmigrants with another employer, regardless of the physical location where such services will be performed, unless the employer of the alien has been granted a waiver under paragraph (2)(E).''.

SEC. 102. NEW APPLICATION REQUIREMENTS.

Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as amended by section 101, is further amended by inserting after subparagraph (G) the following:

''(H)(i) The employer, or a person or entity acting on the employer's behalf, has not advertised any available position specified in the application in an advertisement that states or indicates that—

''(I) such position is only available to an individual who is or will be an H–1B nonimmigrant; or

''(II) an individual who is or will be an H–1B nonimmigrant shall receive priority or a preference in the hiring process for such position.

''(ii) The employer has not primarily recruited individuals who are or who will be H–1B nonimmigrants to fill such position.

''(I) If the employer employs 50 or more employees in the United States—

''(i) the sum of the number of such employees who are H–1B nonimmigrants plus the number of such employees who are nonimmigrants described in section 101(a)(15)(L) does not exceed 50 percent of the total number of employees; and

''(ii) the employer's corporate organization has not been restructured to evade the limitation under clause (i).

''(J) If the employer, in such previous period as the Secretary shall specify, employed 1 or more H–1B nonimmigrants, the employer shall submit to the Secretary the Internal Revenue Service Form W–2 Wage and Tax Statements filed by the employer with respect to the H–1B nonimmigrants for such period.''.

SEC. 103. APPLICATION REVIEW REQUIREMENTS.

(a) TECHNICAL AMENDMENT.—Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as amended by sections 101 and 102, is further amended, in the undesignated paragraph at the end, by striking ''The employer'' and inserting the following:

''(K) The employer.''.

(b) APPLICATION REVIEW REQUIREMENTS.—Section 212(n)(1)(K), as designated by subsection (a), is amended—

(1) in the fourth sentence, by inserting ''and through the Department of Labor's website, without charge.'' after ''D.C.'';

(2) in the fifth sentence, by striking ''only for completeness'' and inserting ''for completeness, indicators of fraud or misrepresentation of material fact,'';

(3) in the sixth sentence—

(A) by striking ''or obviously inaccurate'' and inserting '', presents indicators of fraud or misrepresentation of material fact, or is obviously inaccurate''; and

(B) by striking ''within 7 days of'' and inserting ''not later than 14 days after''; and

(4) by adding at the end the following: ''If the Secretary of Labor's review of an application identifies indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing in accordance with paragraph (2).''.

SEC. 104. H–1B VISA ALLOCATION.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(3)), is amended—

(1) by striking the first sentence and inserting the following:

''(A) Subject to subparagraph (B), aliens who are subject to the numerical limitations under paragraph (1)(A) shall be issued visas, or otherwise provided nonimmigrant status, in a manner and order established by the Secretary of Homeland Security, by regulation.''; and

(2) by adding at the end the following:

''(B) The Secretary shall consider petitions for nonimmigrant status under section 101(a)(15)(H)(i)(b) in the following order:

''(i) Petitions for nonimmigrants described in section 101(a)(15)(F) who, while physically present in the United States, have earned an advanced degree in a field of science, technology, engineering, or mathematics from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) that has been accredited by an accrediting entity that is recognized by the Department of Education.

''(ii) Petitions certifying that the employer will be paying the nonimmigrant the median wage for skill level 4 in the occupational classification found in the most recent Occupational Employment Statistics survey.

''(iii) Petitions for nonimmigrants described in section 101(a)(15)(F) who are graduates of any other advanced degree program, undertaken while physically present in the United States, from an institution of higher education described in clause (i).

''(iv) Petitions certifying that the employer will be paying the nonimmigrant the median wage for skill level 3 in the occupational classification found in the most recent Occupational Employment Statistics survey.

''(v) Petitions for nonimmigrants described in section 101(a)(15)(F) who are graduates of a bachelor's degree program, undertaken while physically present in the United States, in a field of science, technology, engineering, or mathematics from an institution of higher education described in clause (i).

''(vi) Petitions for nonimmigrants described in section 101(a)(15)(F) who are graduates of bachelor's degree programs, undertaken while physically present in the United States, in any other fields from an institution of higher education described in clause (i).

''(vii) Petitions for aliens who will be working in occupations listed in Group I of the Department of Labor's Schedule A of occupations in which the Secretary of Labor has determined there are not sufficient United States workers who are able, willing, qualified, and available.

''(viii) Petitions filed by employers meeting the following criteria of good corporate citizenship and compliance with the immigration laws:

''(I) The employer is in possession of—

''(aa) a valid E-Verify company identification number; or

''(bb) if the enterprise is using a designated agent to perform E-Verify queries, a valid E-Verify client company identification number and documentation from U.S. Citizenship and Immigration Services that the commercial enterprise is a participant in good standing in the E-Verify program.

''(II) The employer is not under investigation by any Federal agency for violation of the immigration laws or labor laws.

''(III) A Federal agency has not determined, during the immediately preceding 5 years, that the employer violated the immigration laws or labor laws.

''(IV) During each of the preceding 3 fiscal years, at least 90 percent of the petitions filed by the employer under section 101(a)(15)(H)(i)(b) were approved.

''(V) The employer has filed, pursuant to section 204(a)(1)(F), employment-based immigrant petitions, including an approved labor certification application under section 212(a)(5)(A), for at least 90 percent of employees imported under section 101(a)(15)(H)(i)(b) during the preceding 3 fiscal years.

''(ix) Any remaining petitions.

''(C) In this paragraph the term 'field of science, technology, engineering, or mathematics' means a field included in the Department of Education's Classification of Instructional Programs taxonomy within the summary groups of computer and information sciences and support services, engineering, biological and biomedical sciences, mathematics and statistics, and physical sciences.''.

SEC. 105. H–1B WORKERS EMPLOYED BY INSTITUTIONS OF HIGHER EDUCATION.

Section 214(g)(5) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(5)) is amended by striking ''is employed (or has received an offer of employment) at'' each place such phrase appears and inserting ''is employed by (or has received an offer of employment from)''.

SEC. 106. SPECIALTY OCCUPATION TO REQUIRE AN ACTUAL DEGREE.

Section 214(i) of the Immigration and Nationality Act (8 U.S.C. 1184(i)) is amended—

(1) in paragraph (1), by amending subparagraph (B) to read as follows:

''(B) attainment of a bachelor's or higher degree in the specific specialty directly related to the occupation as a minimum for entry into the occupation in the United States.''; and

(2) by striking paragraph (2) and inserting the following:

''(2) For purposes of section 101(a)(15)(H)(i)(b), the requirements under this paragraph, with respect to a specialty occupation, are—

''(A) full State licensure to practice in the occupation, if such licensure is required to practice in the occupation; or

''(B) if a license is not required to practice in the occupation—

''(i) completion of a United States degree described in paragraph (1)(B) for the occupation; or

''(ii) completion of a foreign degree that is equivalent to a United States degree described in paragraph (1)(B) for the occupation.''.

SEC. 107. LABOR CONDITION APPLICATION FEE.

Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)), as amended by sections 101 through 103, is further amended by adding at the end the following:

''(6)(A) The Secretary of Labor shall promulgate a regulation that requires applicants under this subsection to pay a reasonable application processing fee.

''(B) All of the fees collected under this paragraph shall be deposited as offsetting receipts within the general fund of the Treasury in a separate account, which shall be known as the 'H–1B Administration, Oversight, Investigation, and Enforcement Account' and shall remain available until expended. The Secretary of the Treasury shall refund amounts in such account to the Secretary of Labor for salaries and related expenses associated with the administration, oversight, investigation, and enforcement of the H–1B nonimmigrant visa program.''.

SEC. 108. H–1B SUBPOENA AUTHORITY FOR THE DEPARTMENT OF LABOR.

Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended—

(1) by redesignating subparagraph (I) as subparagraph (J); and

(2) by inserting after subparagraph (H) the following:

''(I) The Secretary of Labor is authorized to take such actions, including issuing subpoenas and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to ensure employer compliance with the terms and conditions under this subsection. The rights and remedies provided to H–1B nonimmigrants under this subsection are in addition to any other contractual or statutory rights and remedies of such nonimmigrants and are not intended to alter or affect such rights and remedies.''.

SEC. 109. LIMITATION ON EXTENSION OF H–1B PETITION.

Section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) is amended to read as follows:

''(4)(A) Except as provided in subparagraph (B), the period of authorized admission of a nonimmigrant described in section 101(a)(15)(H)(i)(b) may not exceed 3 years.

''(B) The period of authorized admission of a nonimmigrant described in subparagraph (A) who is the beneficiary of an approved employment-based immigrant petition under section 204(a)(1)(F) may be authorized for a period of up to 3 additional years if the total period of stay does not exceed six years, except for an extension under section 104(c) or 106(b) of the American Competitiveness in the Twenty-first Century Act of 2000 (8 U.S.C. 1184 note).''.

SEC. 110. ELIMINATION OF B–1 VISAS IN LIEU OF H–1 VISAS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following:

''(12) Unless otherwise authorized by law, an alien normally classifiable under section 101(a)(15)(H)(i) who seeks admission to the United States to provide services in a specialty occupation described in paragraph (1) or (3) of subsection (i) may not be issued a visa or admitted under section 101(a)(15)(B) for such purpose. Nothing in this paragraph may be construed to authorize the admission of an alien under section 101(a)(15)(B) who is coming to the United States for the purpose of performing skilled or unskilled labor if such admission is not otherwise authorized by law.''.

Subtitle B—Investigation and Disposition of Complaints Against H–1B Employers

SEC. 111. GENERAL MODIFICATION OF PROCEDURES FOR INVESTIGATION AND DISPOSITION.

Section 212(n)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(A)) is amended—

(1) by striking ''(A) Subject'' and inserting the following:

''(A)(i) Subject'';

(2) by striking ''12 months'' and inserting ''two years'';

(3) by striking the last sentence; and

(4) by adding at the end the following:

''(ii)(I) Upon the receipt of a complaint under clause (i), the Secretary may initiate an investigation to determine if such failure or misrepresentation has occurred.

''(II) In conducting an investigation under subclause (I), the Secretary may—

''(aa) conduct surveys of the degree to which employers comply with the requirements under this subsection; and

''(bb) conduct compliance audits of employers that employ H–1B nonimmigrants.

''(III) The Secretary shall—

''(aa) conduct annual compliance audits of not fewer than 1 percent of the employers that employ H–1B nonimmigrants during the applicable calendar year;

''(bb) conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are H–1B nonimmigrants; and

''(cc) make available to the public an executive summary or report describing the general findings of the audits carried out pursuant to this subclause.

''(iii) The process for receiving complaints under clause (i) shall include a hotline that is accessible 24 hours a day, by telephonic and electronic means.''.

SEC. 112. INVESTIGATION, WORKING CONDITIONS, AND PENALTIES.

Section 212(n)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking ''a condition of paragraph (1)(B), (1)(E), or (1)(F), a substantial failure to meet a condition of paragraph (1)(C), (1)(D), or (1)(G)(i)(I)'' and inserting ''a condition under subparagraph (A), (B), (C), (D), (E), (F), (G)(i), (H), (I), or (J) of paragraph (1)'';

(B) in subclause (I)—

(i) by striking ''$1,000'' and inserting ''$5,000''; and

(ii) by striking ''and'' at the end;

(C) in subclause (II)—

(i) by striking ''the Attorney General shall not approve petitions'' and inserting ''the Secretary of Homeland Security or the Secretary of State, as appropriate, shall not approve petitions or applications'';

(ii) by striking ''under section 204 or 214(c)'' and inserting ''under section 101(a)(15)(E)(iii), 101(a)(15)(H)(i)(b1), 204, 214(c), or 214(e)''; and

(iii) by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(III) an employer that violates paragraph (1)(A) shall be liable to the employees harmed by such violation for lost wages and benefits.'';

(2) in clause (ii)—

(A) in subclause (I)—

(i) by striking ''may'' and inserting ''shall''; and

(ii) by striking ''$5,000'' and inserting ''$25,000'';

(B) in subclause (II)—

(i) by striking ''the Attorney General shall not approve petitions'' and inserting ''the Secretary of Homeland Security or the Secretary of State, as appropriate, shall not approve petitions or applications'';

(ii) by striking ''under section 204 or 214(c)'' and inserting ''under section 101(a)(15)(E)(iii), 101(a)(15)(H)(i)(b1), 204, 214(c), or 214(e)''; and

(iii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(III) an employer that violates paragraph (1)(A) shall be liable to the employees harmed by such violation for lost wages and benefits.'';

(3) in clause (iii)—

(A) in the matter preceding subclause (I), by striking ''the employer displaced a United States worker employed by the employer within the period beginning 90 days before and ending 90 days after the date of filing of any visa petition supported by the application'' and inserting ''a United States worker employed at a worksite that the employer supplies with nonimmigrant workers was displaced in violation of paragraph (1)(E) or the conditions of a waiver under subparagraph (E)'';

(B) in subclause (I)—

(i) by striking ''may'' and inserting ''shall'';

(ii) by striking ''$35,000'' and inserting ''$150,000''; and

(iii) by striking ''and'' at the end;

(C) in subclause (II)—

(i) by striking ''the Attorney General shall not approve petitions'' and inserting ''the Secretary of Homeland Security or the Secretary of State, as appropriate, shall not approve petitions or applications'';

(ii) by striking ''under section 204 or 214(c)'' and inserting ''under section 101(a)(15)(E)(iii), 101(a)(15)(H)(i)(b1), 204, 214(c), or 214(e)''; and

(iii) by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(III) an employer that violates paragraph (1)(A) shall be liable to the employees harmed by such violation for lost wages and benefits.'';

(4) by striking clause (iv) and inserting the following:

''(iv)(I) An employer that has filed an application under this subsection violates this clause by taking, failing to take, or threatening to take or fail to take a personnel action, or intimidating, threatening, restraining, coercing, blacklisting, discharging, or discriminating in any other manner against an employee because the employee—

''(aa) disclosed information that the employee reasonably believes evidences a violation of this subsection or any rule or regulation pertaining to this subsection; or

''(bb) cooperated or sought to cooperate with the requirements under this subsection or any rule or regulation pertaining to this subsection.

''(II) In this subparagraph, the term 'employee' includes—

''(aa) a current employee;

''(bb) a former employee; and

''(cc) an applicant for employment.

''(III) An employer that violates this clause shall be liable to the employee harmed by such violation for lost wages and benefits.''; and

(5) in clause (v)—

(A) by inserting ''(I)'' after ''(v)''; and

(B) by adding at the end the following:

''(II) Upon the termination of an H–1B nonimmigrant's employment on account of such alien's disclosure of information or cooperation in an investigation described in clause (iv), the nonimmigrant stay of any beneficiary and any dependents listed on the beneficiary's petition will be authorized and

the alien will not accrue any period of unlawful presence under section 212(a)(9) for a 90-day period or until the expiration of the authorized validity period, whichever comes first, following the date of such termination for the purpose of departure or extension of nonimmigrant status based upon a subsequent offer of employment.''; and

(6) in clause (vi)—

(A) by amending subclause (I) to read as follows:

''(I) It is a violation of this clause for an employer that has filed an application under this subsection—

''(aa) to require an H–1B nonimmigrant to pay a penalty or liquidated damages for ceasing employment with the employer before a date agreed to by the nonimmigrant and the employer; or

''(bb) to fail to offer to an H–1B nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(AA) the opportunity to participate in health, life, disability, and other insurance plans;

''(BB) the opportunity to participate in retirement and savings plans; and

''(CC) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).''; and

(B) in subclause (III), by striking ''$1,000'' and inserting ''$5,000''.

SEC. 113. WAIVER REQUIREMENTS.

(a) IN GENERAL.—Section 212(n)(2)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(E)) is amended to read as follows:

''(E)(i) The Secretary of Labor may waive the prohibition under paragraph (1)(F) if the Secretary determines that the employer seeking such waiver has established that—

''(I) the employer with which the H–1B nonimmigrant would be placed—

''(aa) will not at any time displace a United States worker with 1 or more H–1B nonimmigrants; and

''(bb) has not displaced and will not displace a United States worker employed by the employer within the period beginning 180 days before the date of the placement of the nonimmigrant with the employer and ending 180 days after such date (not including any period of on-site or virtual training of H–1B nonimmigrants by employees of the employer);

''(II) the H–1B nonimmigrant will be principally controlled and supervised by the petitioning employer; and

''(III) the placement of the H–1B nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with which the H–1B nonimmigrant will be placed.

''(ii) The Secretary shall grant or deny a waiver under this subparagraph not later than seven days after the date on which the Secretary receives an application for such waiver.''.

(b) RULEMAKING.—

(1) RULES FOR WAIVERS.—The Secretary of Labor, after notice and a period for comment, shall promulgate a final rule for an employer to apply for a waiver under section 212(n)(2)(E) of the Immigration and Nationality Act, as amended by subsection (a).

(2) REQUIREMENT FOR PUBLICATION.—The Secretary of Labor shall submit to Congress, and publish in the Federal Register and in other appropriate media, a notice of the date on which the rules required under paragraph (1) are promulgated.

SEC. 114. INITIATION OF INVESTIGATIONS.

Section 212(n)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(G)) is amended—

(1) in clause (i), by striking ''if the Secretary of Labor'' and all that follows and inserting ''with regard to the employer's compliance with the requirements under this subsection.'';

(2) in clause (ii), by striking ''and whose identity'' and all that follows through ''failure or failures.'' and inserting ''the Secretary may conduct an investigation into the employer's compliance with the requirements under this subsection.'';

(3) in clause (iii), by striking the last sentence;

(4) by striking clauses (iv) and (v);

(5) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(6) in clause (iv), as redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection unless the Secretary of Labor receives the information not later than 2 years'';

(7) by amending clause (v), as redesignated, to read as follows:

''(v)(I) Except as provided in subclause (II), the Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation under this subparagraph. Such notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced.

''(II) The Secretary of Labor is not required to comply with subclause (I) if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements under this subsection.

''(III) A determination by the Secretary of Labor under this clause shall not be subject to judicial review.'';

(8) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting ''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary, not later than 120 days after the date of such determination, shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code.''; and

(9) by adding at the end the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary shall impose a penalty in accordance with subparagraph (C).''.

SEC. 115. INFORMATION SHARING.

Section 212(n)(2)(H) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(H)) is amended to read as follows:

''(H) The Director of U.S. Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by employers of H–1B nonimmigrants as part of the petition adjudication process that indicates that the employer is not complying with visa program requirements for H–1B nonimmigrants. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.''.

SEC. 116. CONFORMING AMENDMENT.

Section 212(n)(2)(F) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(F)) is amended by striking ''The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer.''.

Subtitle C—Other Protections

SEC. 121. POSTING AVAILABLE POSITIONS THROUGH THE DEPARTMENT OF LABOR.

(a) DEPARTMENT OF LABOR WEBSITE.—Section 212(n)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(3)) is amended to read as follows:

''(3)(A) Not later than 90 days after the date of the enactment of the H–1B and L–1 Visa Reform Act of 2023, the Secretary of Labor shall establish a searchable Internet website for posting positions in accordance with paragraph (1)(C) that is available to the public without charge.

''(B) The Secretary may work with private companies or nonprofit organizations to develop and operate the Internet website described in subparagraph (A).

''(C) The Secretary may promulgate rules, after notice and a period for comment, to carry out this paragraph.''.

(b) PUBLICATION REQUIREMENT.—The Secretary of Labor shall submit to Congress, and publish in the Federal Register and in other appropriate media, a notice of the date on which the internet website required under section 212(n)(3) of the Immigration and Nationality Act, as amended by subsection (a), will be operational.

(c) APPLICATION.—The amendment made by subsection (a) shall apply to any application filed on or after the date that is 30 days after the date described in subsection (b).

SEC. 122. TRANSPARENCY AND REPORT ON WAGE SYSTEM.

(a) IMMIGRATION DOCUMENTS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

''(m) EMPLOYER TO PROVIDE IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—

''(1) IN GENERAL.—Not later than 21 business days after receiving a written request from a former, current, or prospective employee listed as the beneficiary of an employment-based nonimmigrant petition, the employer who filed such petition shall provide such beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency or department that is related to an immigrant or nonimmigrant petition filed by the employer for such employee or beneficiary.

''(2) WITHHOLDING OF FINANCIAL OR PROPRIETARY INFORMATION.—If a document required to be provided to an employee or prospective employee under paragraph (1) includes any sensitive financial or proprietary information of the employer, the employer may redact such information from the copies provided to such person.''.

(b) GAO REPORT ON JOB CLASSIFICATION AND WAGE DETERMINATIONS.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall prepare a report that—

(1) analyzes the accuracy and effectiveness of the Secretary of Labor's current job classification and wage determination system;

(2) specifically addresses whether the systems in place accurately reflect the complexity of current job types and geographic wage differences; and

(3) makes recommendations concerning necessary updates and modifications.

SEC. 123. REQUIREMENTS FOR INFORMATION FOR H–1B AND L–1 NONIMMIGRANTS.

Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), as amended by this

Act, is further amended by adding at the end the following:

''(s) REQUIREMENTS FOR INFORMATION FOR H–1B AND L–1 NONIMMIGRANTS.—

''(1) IN GENERAL.—Upon issuing a visa to an applicant, who is outside the United States, for nonimmigrant status pursuant to subparagraph (H)(i)(b) or (L) of section 101(a)(15), the issuing office shall provide the applicant with—

''(A) a brochure outlining the obligations of the applicant's employer and the rights of the applicant with regard to employment under Federal law, including labor and wage protections;

''(B) the contact information for appropriate Federal agencies or departments that offer additional information or assistance in clarifying such obligations and rights; and

''(C) a copy of the petition submitted for the nonimmigrant under section 212(n) or the petition submitted for the nonimmigrant under subsection (c)(2)(A), as appropriate.

''(2) APPLICANTS INSIDE THE UNITED STATES.—Upon the approval of an initial petition filed for an alien who is in the United States and seeking status under subparagraph (H)(i)(b) or (L) of section 101(a)(15), the Secretary of Homeland Security shall provide the applicant with the material described in subparagraphs (A), (B), and (C) of paragraph (1).''.

SEC. 124. ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.

(a) IN GENERAL.—The Secretary of Labor is authorized to hire up to 200 additional employees to administer, oversee, investigate, and enforce programs involving nonimmigrant employees described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.,C. 1101(a)(15)(H)(i)(b)).

(b) SOURCE OF FUNDS.—The cost of hiring the additional employees authorized to be hired under subsection (a) shall be recovered with funds from the H–1B Administration, Oversight, Investigation, and Enforcement Account established under section 212(n)(6) of the Immigration and Nationality Act, as added by section 107.

SEC. 125. TECHNICAL CORRECTION.

Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by redesignating the second subsection (t), as added by section 1(b)(2)(B) of the Act entitled ''An Act to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998'' (Public Law 108–449; 118 Stat. 3470), as subsection (u).

SEC. 126. APPLICATION.

Except as specifically otherwise provided, the amendments made by this title shall apply to petitions and applications filed on or after the date of the enactment of this Act.

TITLE II—L–1 VISA FRAUD AND ABUSE PROTECTIONS

SEC. 201. PROHIBITION ON DISPLACEMENT OF UNITED STATES WORKERS AND RESTRICTING OUTPLACEMENT OF L–1 NONIMMIGRANTS.

(a) RESTRICTION ON OUTPLACEMENT OF L–1 WORKERS.—Section 214(c)(2)(F) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)(F)) is amended to read as follows:

''(F)(i) Unless an employer receives a waiver under clause (ii), an employer may not employ an alien, for a cumulative period exceeding 1 year, who—

''(I) will serve in a capacity involving specialized knowledge with respect to an employer for purposes of section 101(a)(15)(L); and

''(II) will be stationed primarily at the worksite of an employer other than the petitioning employer or its affiliate, subsidiary, or parent, including pursuant to an outsourcing, leasing, or other contracting agreement.

''(ii) The Secretary of Labor may grant a waiver of the requirements under clause (i) if the Secretary determines that the employer requesting such waiver has established that—

''(I) the employer with which the alien referred to in clause (i) would be placed—

''(aa) will not at any time displace (as defined in section 212(n)(4)(B)) a United States worker (as defined in section 212(n)(4)(E)) with 1 or more nonimmigrants described in section 101(a)(15)(L); and

''(bb) has not displaced and will not displace (as defined in section 212(n)(4)(B)) a United States worker (as defined in section 212(n)(4)(E)) employed by the employer within the period beginning 180 days before the date of the placement of such alien with the employer and ending 180 days after such date (not including any period of on-site or virtual training of nonimmigrants described in section 101(a)(15)(L) by employees of the employer);

''(II) such alien will be principally controlled and supervised by the petitioning employer; and

''(III) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for an unaffiliated employer with which the nonimmigrant will be placed, rather than a placement in connection with the provision of a product or service for which specialized knowledge specific to the petitioning employer is necessary.

''(iii) The Secretary shall grant or deny a waiver under clause (ii) not later than seven days after the date on which the Secretary receives the application for the waiver.''.

(b) PROHIBITION ON DISPLACEMENT OF UNITED STATES WORKERS.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended by adding at the end the following:

''(G)(i) An employer importing an alien as a nonimmigrant under section 101(a)(15)(L)—

''(I) may not at any time displace (as defined in section 212(n)(4)(B)) a United States worker (as defined in section 212(n)(4)(E)) with 1 or more such nonimmigrants; and

''(II) may not displace (as defined in section 212(n)(4)(B)) a United States worker (as defined in section 212(n)(4)(E)) employed by the employer during the period beginning 180 days before and ending 180 days after the date of the placement of such a nonimmigrant with the employer.

''(ii) The 180-day periods referenced in clause (i) may not include any period of onsite or virtual training of nonimmigrants described in clause (i) by employees of the employer.''.

(c) RULEMAKING.—The Secretary of Homeland Security, after notice and a period for comment, shall promulgate rules for an employer to apply for a waiver under section 214(c)(2)(F)(ii), as added by subsection (a).

SEC. 202. L–1 EMPLOYER PETITION REQUIREMENTS FOR EMPLOYMENT AT NEW OFFICES.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by section 201, is further amended by adding at the end the following:

''(H)(i) If the beneficiary of a petition under this paragraph is coming to the United States to open, or to be employed in, a new office, the petition may be approved for up to 12 months only if—

''(I) the alien has not been the beneficiary of 2 or more petitions under this subparagraph during the immediately preceding 2 years; and

''(II) the employer operating the new office has—

''(aa) an adequate business plan;

''(bb) sufficient physical premises to carry out the proposed business activities; and

''(cc) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary of the petition is eligible for nonimmigrant status under section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, for the entire period beginning on the date on which the petition was approved under clause (i), has been doing business at the new office through regular, systematic, and continuous provision of goods and servvices;

''(VII) a statement of the duties the beneficiary has performed at the new office during the approval period under clause (i) and the duties the beneficiary will perform at the new office during the extension period granted under this clause;

''(VIII) a statement describing the staffing at the new office, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees;

''(X) evidence of the financial status of the new office; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) A new office employing the beneficiary of an L–1 petition approved under this paragraph shall do business only through regular, systematic, and continuous provision of goods and services for the entire period for which the petition is sought.

''(iv) Notwithstanding clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security, in the Secretary's discretion, may approve a subsequently filed petition on behalf of the beneficiary to continue employment at the office described in this subparagraph for a period beyond the initially granted 12-month period if the importing employer has been doing business at the new office through regular, systematic, and continuous provision of goods and services for the 6 months immediately preceding the date of extension petition filing and demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances, as determined by the Secretary in the Secretary's discretion.''.

SEC. 203. COOPERATION WITH SECRETARY OF STATE.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 201 and 202, is further amended by adding at the end the following:

''(I) The Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify the existence or continued existence of a company or office in the United States or in a foreign country for purposes of approving petitions under this paragraph.''.

SEC. 204. INVESTIGATION AND DISPOSITION OF COMPLAINTS AGAINST L–1 EMPLOYERS.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as

amended by sections 201 through 203, is further amended by adding at the end the following:

''(J)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements under this subsection.

''(ii) If the Secretary receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5, United States Code.

''(iii) The Secretary shall establish a procedure for any person desiring to provide to the Secretary information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary and completed by or on behalf of the person.

''(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary receives the information not later than 24 months after the date of the alleged failure.

''(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

''(vi) If the Secretary, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide the interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

''(vii) If the Secretary, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary shall impose a penalty under subparagraph (L).

''(viii)(I) The Secretary may conduct surveys of the degree to which employers comply with the requirements under this section.

''(II) The Secretary shall—

''(aa) conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable fiscal year;

''(bb) conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are nonimmigrants described in section 101(a)(15)(L); and

''(cc) make available to the public an executive summary or report describing the general findings of the audits carried out pursuant to this subclause.

''(ix) The Secretary is authorized to take other such actions, including issuing subpoenas and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to assure employer compliance with the terms and conditions under this paragraph. The rights and remedies provided to nonimmigrants described in section 101(a)(15)(L) under this paragraph are in addition to, and not in lieu of, any other contractual or statutory rights and remedies of such nonimmigrants, and are not intended to alter or affect such rights and remedies.''.

SEC. 205. WAGE RATE AND WORKING CONDITIONS FOR L–1 NONIMMIGRANTS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 201 through 204, is further amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) for a cumulative period of time in excess of 1 year shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(bb) the median wage for all workers in the occupational classification in the area of employment; and

''(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed by the employer or by an employer with which such nonimmigrant is placed pursuant to a waiver under subparagraph (F)(ii).

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more such nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) to require such a nonimmigrant to pay a penalty or liquidated damages for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) to fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).''.

(b) RULEMAKING.—The Secretary of Homeland Security, after notice and a period of comment and taking into consideration any special circumstances relating to intracompany transfers, shall promulgate rules to implement the requirements under section 214(c)(2)(K) of the Immigration and Nationality Act, as added by subsection (a).

SEC. 206. PENALTIES.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 201 through 205, is further amended by adding at the end the following:

''(L)(i) If the Secretary of Homeland Security determines, after notice and an opportunity for a hearing, that an employer failed to meet a condition under subparagraph (F), (G), (K), or (M), or misrepresented a material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary shall impose such administrative remedies (including civil monetary penalties in an amount not to exceed $5,000 per violation) as the Secretary determines to be appropriate;

''(II) the Secretary of Homeland Security or the Secretary of State, as appropriate, shall not approve petitions or applications filed with respect to that employer during a period of at least 1 year for 1 or more aliens to be employed as such nonimmigrants by the employer; and

''(III) in the case of a violation of subparagraph (K) or (M), the employer shall be liable to the employees harmed by such violation for lost wages and benefits.

''(ii) If the Secretary finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (K), or (M) or a willful misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary shall impose such administrative remedies (including civil monetary penalties in an amount not to exceed $25,000 per violation) as the Secretary determines to be appropriate;

''(II) the Secretary of Homeland Security or the Secretary of State, as appropriate, shall not approve petitions or applications filed with respect to that employer during a period of at least 2 years for 1 or more aliens to be employed as such nonimmigrants by the employer; and

''(III) in the case of a violation of subparagraph (K) or (M), the employer shall be liable to the employees harmed by such violation for lost wages and benefits.''.

SEC. 207. PROHIBITION ON RETALIATION AGAINST L–1 NONIMMIGRANTS.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 201 through 206, is further amended by adding at the end the following:

''(M)(i) An employer that has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) violates this subparagraph by taking, failing to take, or threatening to take or fail to take, a personnel action, or intimidating, threatening, restraining, coercing, blacklisting, discharging, or discriminating in any other manner against an employee because the employee—

''(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

''(II) cooperates or seeks to cooperate with the requirements under this subsection, or any rule or regulation pertaining to this subsection.

''(ii) Upon termination of the employment of an alien described in section 101(a)(15)(L) on account of actions by such alien described in subclauses (I) and (II) of clause (i), such

alien's nonimmigrant stay and the stay of any beneficiary and any dependents listed on the beneficiary's petition or application will be authorized and the aliens will not accrue any period of unlawful presence under section 212(a)(9) for a 90-day period or upon the expiration of the authorized validity period, whichever comes first, following the date of such termination for the purpose of departure or extension of nonimmigrant status based upon a subsequent offer of employment.

''(iii) In this subparagraph, the term 'employee' includes—

''(I) a current employee;

''(II) a former employee; and

''(III) an applicant for employment.''.

SEC. 208. ADJUDICATION BY DEPARTMENT OF HOMELAND SECURITY OF PETITIONS UNDER BLANKET PETITION.

(a) IN GENERAL.—Section 214(c)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)(A)) is amended to read as follows:

''(A) The Secretary of Homeland Security shall establish a procedure under which an importing employer that meets the requirements established by the Secretary may file a blanket petition with the Secretary to authorize aliens to enter the United States as nonimmigrants described in section 101(a)(15)(L) instead of filing individual petitions under paragraph (1) on behalf of such aliens. Such procedure shall permit—

''(i) the expedited adjudication by the Secretary of Homeland Security of individual petitions covered under such blanket petitions; and

''(ii) the expedited processing by the Secretary of State of visas for admission of aliens covered under such blanket petitions.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed on or after the date of the enactment of this Act.

SEC. 209. REPORTS ON EMPLOYMENT-BASED NONIMMIGRANTS.

(a) IN GENERAL.—Section 214(c)(8) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(8)) is amended to read as follows—

''(8) The Secretary of Homeland Security or Secretary of State, as appropriate, shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes, with respect to petitions under subsection (e) and each subcategory of subparagraphs (H), (L), (O), (P), and (Q) of section 101(a)(15)—

''(A) the number of such petitions (or applications for admission, in the case of applications by Canadian nationals seeking admission under subsection (e) or section 101(a)(15)(L)) which have been filed;

''(B) the number of such petitions which have been approved and the number of workers (by occupation) included in such approved petitions;

''(C) the number of such petitions which have been denied and the number of workers (by occupation) requested in such denied petitions;

''(D) the number of such petitions which have been withdrawn;

''(E) the number of such petitions which are awaiting final action;

''(F) the number of aliens in the United States under each subcategory under section 101(a)(15)(H); and

''(G) the number of aliens in the United States under each subcategory under section 101(a)(15)(L).''.

(b) NONIMMIGRANT CHARACTERISTICS REPORT.—Section 416(c) of the American Competitiveness and Workforce Improvement Act of 1998 (8 U.S.C. 1184 note) is amended—

(1) by amending paragraph (2) to read as follows:

''(2) ANNUAL H–1B NONIMMIGRANT CHARACTERISTICS REPORT.—The Secretary of Homeland Security shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains—

''(A) for the previous fiscal year—

''(i) information on the countries of origin of, occupations of, educational levels attained by, and compensation paid to, aliens who were issued visas or provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b));

''(ii) a list of all employers who petitioned for H–1B workers, the number of such petitions filed and approved for each such employer, the occupational classifications for the approved positions, and the number of H–1B nonimmigrants for whom each such employer filed an employment-based immigrant petition pursuant to section 204(a)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(F)); and

''(iii) the number of employment-based immigrant petitions filed pursuant to such section 204(a)(1)(F) on behalf of H–1B nonimmigrants;

''(B) a list of all employers for whom more than 15 percent of their United States workforce is H–1B or L–1 nonimmigrants;

''(C) a list of all employers for whom more than 50 percent of their United States workforce is H–1B or L–1 nonimmigrants;

''(D) a gender breakdown by occupation and by country of origin of H–1B nonimmigrants;

''(E) a list of all employers who have been granted a waiver under section 214(n)(2)(E) of the Immigration and Nationality Act (8 U.S.C. 1184(n)(2)(E)); and

''(F) the number of H–1B nonimmigrants categorized by their highest level of education and whether such education was obtained in the United States or in a foreign country.'';

(2) by redesignating paragraph (3) as paragraph (5);

(3) by inserting after paragraph (2) the following:

''(3) ANNUAL L–1 NONIMMIGRANT CHARACTERISTICS REPORT.—The Secretary of Homeland Security shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains—

''(A) for the previous fiscal year—

''(i) information on the countries of origin of, occupations of, educational levels attained by, and compensation paid to, aliens who were issued visas or provided nonimmigrant status under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L));

''(ii) a list of all employers who petitioned for L–1 workers, the number of such petitions filed and approved for each such employer, the occupational classifications for the approved positions, and the number of L–1 nonimmigrants for whom each such employer filed an employment-based immigrant petition pursuant to section 204(a)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(F)); and

''(iii) the number of employment-based immigrant petitions filed pursuant to such section 204(a)(1)(F) on behalf of L–1 nonimmigrants;

''(B) a gender breakdown by occupation and by country of L–1 nonimmigrants;

''(C) a list of all employers who have been granted a waiver under section 214(c)(2)(F)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)(F)(ii));

''(D) the number of L–1 nonimmigrants categorized by their highest level of education and whether such education was obtained in the United States or in a foreign country;

''(E) the number of applications that have been filed for each subcategory of nonimmigrant described under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)), based on an approved blanket petition under section 214(c)(2)(A) of such Act; and

''(F) the number of applications that have been approved for each subcategory of nonimmigrant described under such section 101(a)(15)(L), based on an approved blanket petition under such section 214(c)(2)(A).

''(4) ANNUAL H–1B EMPLOYER SURVEY.—The Secretary of Labor shall—

''(A) conduct an annual survey of employers hiring foreign nationals under the H–1B visa program; and

''(B) issue an annual report that—

''(i) describes the methods employers are using to meet the requirement under section 212(n)(1)(G)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(G)(i)) of taking good faith steps to recruit United States workers for the occupational classification for which the nonimmigrants are sought, using procedures that meet industry-wide standards;

''(ii) describes the best practices for recruiting among employers; and

''(iii) contains recommendations on which recruiting steps employers can take to maximize the likelihood of hiring American workers.''; and

(4) in paragraph (5), as redesignated, by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''.

SEC. 210. SPECIALIZED KNOWLEDGE.

Section 214(c)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)(B)) is amended to read as follows:

''(B)(i) For purposes of section 101(a)(15)(L), the term 'specialized knowledge'—

''(I) means knowledge possessed by an individual whose advanced level of expertise and proprietary knowledge of the employer's product, service, research, equipment, techniques, management, or other interests of the employer are not readily available in the United States labor market;

''(II) is clearly unique from those held by others employed in the same or similar occupations; and

''(III) does not apply to persons who have general knowledge or expertise which enables them merely to produce a product or provide a service.

''(ii)(I) The ownership of patented products or copyrighted works by a petitioner under section 101(a)(15)(L) does not establish that a particular employee has specialized knowledge. In order to meet the definition under clause (i), the beneficiary shall be a key person with knowledge that is critical for performance of the job duties and is protected from disclosure through patent, copyright, or company policy.

''(II) Unique procedures are not proprietary knowledge within this context unless the entire system and philosophy behind the procedures are clearly different from those of other firms, they are relatively complex, and they are protected from disclosure to competition.''.

SEC. 211. TECHNICAL AMENDMENTS.

(a) DELEGATION OF AUTHORITY.—Section 212(n)(5)(F) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(5)(F)) is amended by striking ''Department of Justice'' and inserting ''Department of Homeland Security''.

(b) PETITIONS FOR CERTAIN NONIMMIGRANT VISAS.—Section 214(c) of such Act (8 U.S.C. 1184(c)) is amended by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''.

SEC. 212. APPLICATION.

Except as otherwise specifically provided, the amendments made by this title shall apply to petitions and applications filed on or after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 125—SUPPORTING THE GOALS AND IDEALS OF SOCIAL WORK MONTH AND WORLD SOCIAL WORK DAY ON MARCH 21, 2023

Ms. STABENOW (for herself and Ms. SINEMA) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 125

Whereas social workers enter the profession of social work because they have a strong desire to help empower the individuals, families, and communities of the United States to overcome issues that prevent them from reaching their full potential;

Whereas, for more than a century, social workers have improved human health and well-being and enhanced the basic needs of all individuals;

Whereas social workers follow a code of ethics that calls on them to fight social injustice and respect the dignity and worth of all individuals;

Whereas, each day, social workers positively touch the lives of millions of individuals in the United States in an array of settings, including schools, hospitals, the military, child welfare agencies, community centers, and Federal, State, and local governments;

Whereas the 2023 Social Work Month theme, ''Social Work Breaks Barriers'', embodies how social workers help empower the individuals, families, and communities of the United States to overcome hurdles that prevent them from achieving better health and well-being;

Whereas social workers are one of the largest providers of mental health, behavioral health, and social care services in the United States, working daily to help thousands of individuals in the United States overcome mental illnesses, such as depression and anxiety, and meet basic needs;

Whereas social workers are on the frontlines of the addiction crisis in the United States, helping individuals get necessary treatment and prevail over substance use disorders;

Whereas social workers help individuals cope with death and grief;

Whereas social workers help people and communities recover from natural disasters that are increasingly fueled by a warming climate, including hurricanes, drought, and flooding;

Whereas social workers continue to help the United States live up to its values by advocating for equal rights for all, including people of color, people who are indigenous, people who are LBGTQIA2S+, and people who follow various faiths;

Whereas the social work profession is one of the fastest growing professions in the United States, but the workforce is still not large enough to meet the demand;

Whereas there is a need to make a meaningful investment in recruitment and retention within the social work profession;

Whereas social workers serve in all levels of government;

Whereas social workers have continued to push for changes that have made the United States a better place to live, including a livable wage, improved workplace safety, and social safety net programs that help ameliorate poverty, hunger, and homelessness; and

Whereas social workers endeavor to work throughout society to meet individuals where they are and help empower those individuals and society to reach meaningful goals: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Social Work Month and World Social Work Day on March 21, 2023;

(2) recognizes with gratitude the contributions of the millions of social workers who have advanced the health and well-being of individuals, families, communities, and the United States since the founding of the social work profession more than a century ago and who continue to do so today;

(3) acknowledges the diligent efforts of the individuals and groups who promote the importance of social work and observe Social Work Month and World Social Work Day; and

(4) encourages individuals to engage in appropriate ceremonies and activities to promote further awareness of the life-changing role that social workers play.

AMENDMENTS SUBMITTED AND PROPOSED

SA 47. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table.

SA 48. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 49. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 50. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 51. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 52. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 53. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 54. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

SA 55. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 316, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 47. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. SENSE OF THE SENATE ON RESPONSES TO UNIDENTIFIED AERIAL PHENOMENA.

(a) FINDINGS.—Congress makes the following findings:

(1) The commander of the United States Northern Command has said that the United States faces domain awareness gaps.

(2) Department of Defense efforts to identify and track unidentified aerial phenomena to date have used expensive and scarce resources, including fighter aircraft.

(3) Other Federal agencies, including U.S. Customs and Border Protection, possess aircraft and radar capabilities that could identify and track unidentified aerial phenomena.

(4) Non-Federal aircraft and radar could augment future Department of Defense efforts to identify and track unidentified aerial phenomena.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) air domain awareness gaps may be closed through better use of existing capabilities within other Federal agencies and in non-Federal entities in partnership with the Department of Defense;

(2) the Department of Defense should report to Congress on the legal authorities required to enhance cooperation with other Federal agencies and non-Federal partners in the identification and tracking of unidentified aerial phenomena; and

(3) the Department of Defense should develop plans to partner with non-Federal entities to leverage currently available capabilities, including aircraft and radar capabilities, to close air domain awareness gaps and reduce the potential threat from unidentified aerial phenomena.

SA 48. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''1 day'' and insert ''2 days''.

SA 49. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''3 days'' and insert ''4 days''.

SA 50. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''4 days'' and insert ''5 days''.

SA 51. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 7 days after the date of the enactment of this Act.

SA 52. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''7 days'' and insert ''8 days''.

SA 53. Mr. SCHUMER submitted an amendment intended to be proposed by

him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''2 days'' and insert ''3 days''.

SA 54. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 2 days after the date of the enactment of this Act.

SA 55. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE I—INDEPENDENT AND OBJECTIVE OVERSIGHT OF UKRAINIAN ASSISTANCE

SEC. 101. SHORT TITLE.

This title may be cited as the ''Independent and Objective Oversight of Ukrainian Assistance Act''.

SEC. 102. PURPOSES.

The purposes of this title are—

(1) to provide for the independent and objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available to Ukraine for military, economic, and humanitarian aid;

(2) to provide for the independent and objective leadership and coordination of, and recommendations concerning, policies designed—

(A) to promote economic efficiency and effectiveness in the administration of the programs and operations described in paragraph (1); and

(B) to prevent and detect waste, fraud, and abuse in such programs and operations; and

(3) to provide for an independent and objective means of keeping the Secretary of State, the Secretary of Defense, and the heads of other relevant Federal agencies fully and currently informed about—

(A) problems and deficiencies relating to the administration of the programs and operations described in paragraph (1); and

(B) the necessity for, and the progress toward implementing, corrective action related to such programs.

SEC. 103. DEFINITIONS.

In this title:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE FOR THE MILITARY, ECONOMIC, AND HUMANITARIAN AID TO UKRAINE.—The term ''amounts appropriated or otherwise made available for the military, economic, and humanitarian aid for Ukraine'' means amounts appropriated or otherwise made available for any fiscal year—

(A) for the Ukraine Security Assistance Initiative;

(B) for Foreign Military Financing funding for Ukraine;

(C) to the Department of State under the heading ''NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS''; and

(D) under titles III and VI of the Ukraine Supplemental Appropriations Act (division N of Public Law 117–103)

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Armed Services of the Senate;

(C) the Committee on Foreign Relations of the Senate;

(D) the Committee on Homeland Security and Governmental Affairs of the Senate;

(E) the Committee on Appropriations of the House of Representatives;

(F) the Committee on Armed Services of the House of Representatives;

(G) the Committee on Foreign Affairs of the House of Representatives; and

(H) the Committee on Oversight and Reform of the House of Representatives.

(3) OFFICE.—The term ''Office'' means the Office of the Special Inspector General for Ukrainian Military, Economic, and Humanitarian Aid established under section 104(a).

(4) SPECIAL INSPECTOR GENERAL.—The term ''Special Inspector General'' means the Special Inspector General for Ukrainian Military, Economic, and Humanitarian Aid appointed pursuant to section 104(b).

SEC. 104. ESTABLISHMENT OF OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR UKRAINIAN MILITARY, ECONOMIC, AND HUMANITARIAN AID.

(a) IN GENERAL.—There is hereby established the Office of the Special Inspector General for Ukrainian Military, Economic, and Humanitarian Aid to carry out the purposes set forth in section 102.

(b) APPOINTMENT OF SPECIAL INSPECTOR GENERAL.—The head of the Office shall be the Special Inspector General for Ukrainian Military, Economic, and Humanitarian Aid, who shall be appointed by the President. The first Special Inspector General shall be appointed not later than 30 days after the date of the enactment of this Act.

(c) QUALIFICATIONS.—The appointment of the Special Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(d) COMPENSATION.—The annual rate of basic pay of the Special Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(e) PROHIBITION ON POLITICAL ACTIVITIES.—For purposes of section 7324 of title 5, United States Code, the Special Inspector General is not an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(f) REMOVAL.—The Special Inspector General shall be removable from office in accordance with section 103(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

SEC. 105. ASSISTANT INSPECTORS GENERAL.

The Special Inspector General, in accordance with applicable laws and regulations governing the civil service, shall appoint—

(1) an Assistant Inspector General for Auditing, who shall supervise the performance of auditing activities relating to programs and operations supported by amounts appropriated or otherwise made available for military, economic, and humanitarian aid to Ukraine; and

(2) an Assistant Inspector General for Investigations, who shall supervise the performance of investigative activities relating to the programs and operations described in paragraph (1).

SEC. 106. SUPERVISION.

(a) IN GENERAL.—Except as provided in subsection (b), the Special Inspector General shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense.

(b) INDEPENDENCE TO CONDUCT INVESTIGATIONS AND AUDITS.—No officer of the Department of Defense, the Department of State, the United States Agency for International Development, or any other relevant Federal agency may prevent or prohibit the Special Inspector General from—

(1) initiating, carrying out, or completing any audit or investigation related to amounts appropriated or otherwise made available for the military, economic, and humanitarian aid to Ukraine; or

(2) issuing any subpoena during the course of any such audit or investigation.

SEC. 107. DUTIES.

(a) OVERSIGHT OF MILITARY, ECONOMIC, AND HUMANITARIAN AID TO UKRAINE PROVIDED AFTER FEBRUARY 24, 2022.—The Special Inspector General shall conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for military, economic, and humanitarian aid to Ukraine, and of the programs, operations, and contracts carried out utilizing such funds, including—

(1) the oversight and accounting of the obligation and expenditure of such funds;

(2) the monitoring and review of reconstruction activities funded by such funds;

(3) the monitoring and review of contracts funded by such funds;

(4) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities;

(5) the maintenance of records regarding the use of such funds to facilitate future audits and investigations of the use of such funds;

(6) the monitoring and review of the effectiveness of United States coordination with the Government of Ukraine, major recipients of Ukrainian refugees, partners in the region, and other donor countries;

(7) the investigation of overpayments (such as duplicate payments or duplicate billing) and any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities; and

(8) the referral of reports compiled as a result of such investigations, as necessary, to the Department of Justice to ensure further investigations, prosecutions, recovery of funds, or other remedies.

(b) OTHER DUTIES RELATED TO OVERSIGHT.—The Special Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Special Inspector General considers appropriate to discharge the duties described in subsection (a).

(c) CONSULTATION.—The Special Inspector General shall consult with the appropriate congressional committees before engaging in auditing activities outside of Ukraine.

(d) DUTIES AND RESPONSIBILITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In addition to the duties specified in subsections (a) and (b), the Special Inspector General shall have the duties and responsibilities of inspectors general under the Inspector General Act of 1978 (5 U.S.C. App.).

(e) COORDINATION OF EFFORTS.—In carrying out the duties, responsibilities, and authorities of the Special Inspector General under this Act, the Special Inspector General shall coordinate with, and receive cooperation from—

(1) the Inspector General of the Department of Defense;

(2) the Inspector General of the Department of State;

(3) the Inspector General of the United States Agency for International Development; and

(4) the Inspector General of any other relevant Federal agency.

SEC. 108. POWERS AND AUTHORITIES.

(a) AUTHORITIES UNDER CHAPTER 4 OF PART I OF TITLE 5, UNITED STATES CODE.—

(1) IN GENERAL.—Except as provided in paragraph (2), in carrying out the duties specified in section 107, the Special Inspector General shall have the authorities provided under section s406 of title 5, United States Code.

(2) LIMITATION.—The Special Inspector General is not authorized to audit or investigate the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(b) AUDIT STANDARDS.—The Special Inspector General shall carry out the duties specified in section 107(a) in accordance with the standards and guidelines set forth in section 404(b)(1) of title 5, United States Code.

(c) EXPEDITED HIRING AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), the Special Inspector General may exercise any authority provided to the head of a temporary organization under section 3161 of title 5, United States Code, without regard to whether the Office qualifies as a temporary organization under subsection (a) of that section.

(2) LIMITATIONS.—With respect to the exercise of authority under subsection (b) of section 3161 of title 5, United States Code, as authorized under paragraph (1)—

(A) the Special Inspector General may not make any appointment under that subsection on or after the later of—

(i) the date that is 180 days after the date of enactment of this Act; or

(ii) the date that is 180 days after the date on which the Special Inspector General is confirmed by the Senate;

(B) paragraph (2) of that subsection (relating to periods of appointments) shall not apply; and

(C) no period of an appointment made under that subsection may extend after the date on which the Office terminates pursuant to section 113.

(3) REEMPLOYMENT OF ANNUITANTS.—

(A) IN GENERAL.—Subject to subparagraph (B), if an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in a position in the Office—

(i) the annuity of that annuitant shall continue; and

(ii) such reemployed annuitant shall not be considered to be an employee for the purposes of chapter 83 or 84 of title 5, United States Code.

(B) LIMITATIONS.—Subparagraph (A) shall apply to—

(i) not more than 25 employees of the Office at any particular time, as designated by the Special Inspector General; and

(ii) pay periods beginning after the date of enactment of this Act.

SEC. 109. PERSONNEL, FACILITIES, AND OTHER RESOURCES.

(a) PERSONNEL.—The Special Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Special Inspector General, subject to the provisions of—

(1) chapter 33 of title 5, United States Code, governing appointments in the competitive service; and

(2) chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(b) EMPLOYMENT OF EXPERTS AND CONSULTANTS.—The Special Inspector General may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule under section 5332 of such title.

(c) CONTRACTING AUTHORITY.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Special Inspector General may—

(1) enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons; and

(2) make such payments as may be necessary to carry out the duties of the Special Inspector General.

(d) RESOURCES.—The Secretary of State or the Secretary of Defense, as appropriate, shall provide the Special Inspector General with—

(1) appropriate and adequate office space at appropriate locations of the Department of State or the Department of Defense, as appropriate, in Ukraine or in European partner countries;

(2) such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices; and

(3) necessary maintenance services for such offices and the equipment and facilities located in such offices.

(e) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—Upon request of the Special Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, to the extent practicable and not in contravention of any existing law, furnish such information or assistance to the Special Inspector General or an authorized designee.

(2) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Special Inspector General is, in the judgment of the Special Inspector General, unreasonably refused or not provided, the Special Inspector General shall immediately report the circumstances to—

(A) the Secretary of State or the Secretary of Defense, as appropriate; and

(B) the appropriate congressional committees.

SEC. 110. REPORTS.

(a) QUARTERLY REPORTS.—Not later than 30 days after the end of each quarter of each fiscal year, the Special Inspector General shall submit a report to the appropriate congressional committees, the Secretary of State, and the Secretary of Defense that—

(1) summarizes, for the applicable quarter, and to the extent possible, for the period from the end of such quarter to the date on which the report is submitted, the activities during such period of the Special Inspector General and the activities under programs and operations funded with amounts appropriated or otherwise made available for military, economic, and humanitarian aid to Ukraine; and

(2) includes, for applicable quarter, a detailed statement of all obligations, expenditures, and revenues associated with military, economic, and humanitarian activities in Ukraine, including—

(A) obligations and expenditures of appropriated funds;

(B) a project-by-project and program-by-program accounting of the costs incurred to date for military, economic, and humanitarian aid to Ukraine, including an estimate of the costs to be incurred by the Department of Defense, the Department of State, the United States Agency for International Development, and other relevant Federal agencies to complete each project and each program;

(C) revenues attributable to, or consisting of, funds provided by foreign nations or international organizations to programs and projects funded by any Federal department or agency and any obligations or expenditures of such revenues;

(D) revenues attributable to, or consisting of, foreign assets seized or frozen that contribute to programs and projects funded by any Federal department or agency and any obligations or expenditures of such revenues;

(E) operating expenses of entities receiving amounts appropriated or otherwise made available for military, economic, and humanitarian aid to Ukraine; and

(F) for any contract, grant, agreement, or other funding mechanism described in subsection (b)—

(i) the dollar amount of the contract, grant, agreement, or other funding mechanism;

(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(iii) a discussion of how the Federal department or agency involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, including a list of the potential individuals or entities that were issued solicitations for the offers; and

(iv) the justification and approval documents on which the determination to use procedures other than procedures that provide for full and open competition was based.

(b) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this subsection is any major contract, grant, agreement, or other funding mechanism that is entered into by any Federal department or agency that involves the use of amounts appropriated or otherwise made available for the military, economic, or humanitarian aid to Ukraine with any public or private sector entity—

(1) to build or rebuild the physical infrastructure of Ukraine;

(2) to establish or reestablish a political or societal institution of Ukraine;

(3) to provide products or services to the people of Ukraine; or

(4) to provide security assistance to Ukraine.

(c) PUBLIC AVAILABILITY.—The Special Inspector General shall publish each report submitted pursuant to subsection (a) on a publicly available internet website in English, Ukrainian, and Russian.

(d) FORM.—Each report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex if the Special Inspector General determines that a classified annex is necessary.

(e) SUBMISSION OF COMMENTS TO CONGRESS.—During the 30-day period beginning on the date a report is received pursuant to subsection (a), the Secretary of State and the Secretary of Defense may submit comments to the appropriate congressional committees, in unclassified form, regarding any matters covered by the report that the Secretary of State or the Secretary of Defense considers appropriate. Such comments may include a classified annex if the Secretary of State or the Secretary of Defense considers such annex to be necessary.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize the public disclosure of information that is—

(1) specifically prohibited from disclosure by any other provision of law;

(2) specifically required by Executive order to be protected from disclosure in the interest of defense or national security or in the conduct of foreign affairs; or

(3) a part of an ongoing criminal investigation.

SEC. 111. TRANSPARENCY.

(a) REPORT.—Except as provided in subsection (c), not later than 60 days after receiving a report pursuant to section 110(a), the Secretary of State and the Secretary of Defense shall jointly make copies of the report available to the public upon request and at a reasonable cost.

(b) COMMENTS.—Except as provided in subsection (c), not later than 60 days after submitting comments pursuant to section 110(e), the Secretary of State and the Secretary of Defense shall jointly make copies of such comments available to the public upon request and at a reasonable cost.

(c) WAIVER.—

(1) AUTHORITY.—The President may waive the requirement under subsection (a) or (b) with respect to availability to the public of any element in a report submitted pursuant to section 110(a) or any comments submitted pursuant to section 110(e) if the President determines that such waiver is justified for national security reasons.

(2) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under paragraph (1) in the Federal Register not later than the date of the submission to the appropriate congressional committees of a report required under section 110(a) or any comments submitted pursuant to section 110(e). Each such report and comments shall specify whether a waiver was made pursuant to paragraph (1) and which elements in the report or the comments were affected by such waiver.

SEC. 112. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated $20,000,000 for fiscal year 2024 to carry out this Act.

(b) RESCISSION.—Of the amount appropriated under the heading ''ASSISTANCE FOR EUROPE, EURASIA, AND CENTRAL ASIA'' in title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023 (division K of Public Law 117–328), $20,000,000 is rescinded.

SEC. 113. TERMINATION.

(a) IN GENERAL.—The Office shall terminate on the day that is 180 days after the date on which amounts appropriated or otherwise made available for the reconstruction of Ukraine that are unexpended are less than $250,000,000.

(b) FINAL REPORT.—Before the termination date referred to in subsection (a), the Special Inspector General shall prepare and submit to the appropriate congressional committees a final forensic audit report on programs and operations funded with amounts appropriated or otherwise made available for the military, economic, and humanitarian aid to Ukraine.

ORDERS FOR TUESDAY, MARCH 28, 2023

Mr. WHITEHOUSE. Mr. President, finally, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Tuesday, March 28; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that following the conclusion of morning business, the Senate resume consideration of calendar No. 25, S. 316 postcloture; further, that at 11:30 a.m., the Senate vote in relation to the Johnson amendment No. 11 and Ricketts amendment No. 30; that the Senate recess following the Ricketts vote until 2:15 p.m. to allow for the weekly caucus meetings; further, that at 2:30 p.m., the Senate vote in relation to the Cruz amendment No. 9 and Sullivan amendment No. 33, that at 5:15 p.m. the Senate vote in relation to the Scott of Florida amendment No. 13 and Hawley amendment No. 40; finally, that all previous provisions in relation to the amendment votes remain in effect, and with two minutes for debate, equally divided, prior to each vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. WHITEHOUSE. If there is no further business to come before the Senate, I ask that it stand adjourned under the previous order, following the remarks of Senators CASSIDY, RUBIO, SULLIVAN, and BROWN.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

NOMINATION OF JULIE A. SU

Mr. CASSIDY. Mr. President, last Tuesday, President Biden formally nominated Julie Su to be the Secretary of the Department of Labor. Now, as ranking member of the committee that oversees her nomination, I felt it was important to express some concerns that have only grown since her previous nomination.

Deputy Secretary Su has a troubling record and is currently overseeing the Department of Labor's development of anti-worker regulations dismantling the gig economy.

This does not inspire confidence in her current position, let alone confidence that she should be promoted. Ms. Su's record now and in her previous position as secretary for the California Labor and Workforce Development Agency deserves scrutiny. I look forward to a full review and hearing process for her nomination.

In California, Ms. Su was a top architect of AB5, a controversial law that removed the flexibility of individuals to work as independent contractors.

Now, independent contractors, you can call them freelancers. They make their own hours, and they choose the type of work they wish to do. I was recently taking a Lyft. The driver told me he was able to clear $500 a day. He has Uber, Lyft, and DoorDash on his phone. He flips between the apps, he chooses the job from whichever one is immediately available, and through it all, he clears 500 bucks a day. I said, wait a second, man, you gotta pay your gas, you gotta pay your insurance; are you still—Oh, yeah, I clear 500 a day.

Now, if he is working five days a week, he is doing $10,000 a month. Independent contractors are shielded from forced or coerced unionization that could strip that flexibility away. This, of course, has made eliminating this classification a top priority for large labor unions who benefit from more workers being forced to pay mandatory union dues.

Now, it is important to note, even in California, AB5 is extremely unpopular. And 59 percent of California voters supported a measure to exempt rideshare drivers from AB5.

The law is so flawed, the Governor and State legislature have had to pass multiple laws to exempt over 100 occupations. The statutory exemptions are longer than the text of AB5 itself.

But Ms. Su has taken her support for this anti-worker, pro-union policy to the U.S. Department of Labor. During her tenure as Deputy Secretary of Labor, essentially the Agency's chief operating officer, the Biden administration pushed to eliminate independent contracting via Federal Executive rulemaking.

Now, there was never any hope of getting AB 5—an AB 5-like law through Congress, so they pursued their goals through regulation.

And, if finalized, the new regulation strips 21 million Americans of their ability to classify themselves as independent contractors and enjoy the flexibility this provides.

This regulation would undermine the business model of services like Uber, Lyft, and DoorDash that provide valuable services and give drivers the ability and freedom to set their own hours and even hop between States.

I got off at the airport in New Orleans, Louis Armstrong International Airport, and the guy that picks me up has Maryland plates: Oh, yeah, I moved here like six months ago, wanted to come down for jazz fest, and so I just notified the different—you know, Uber and Lyft, and now I am down here working instead of back where I started.

We are talking maximum flexibility. By the way, it is not just the Uber and Lyft drivers affected; truckers are severely impacted.

Many truckers are independent owner-operators. They own their own trucks. This regulation could devastate the freedom of these truckers. It could potentially impact the supply chain in the process, as trucking moves more than 72 percent of the goods in the United States annually.

Now, as a conservative from a conservative State—but I think as an American from any State—I can say that we don't need the application of a law from one of the most liberal States to the entire Nation.

A law rejected in California is not a policy to be pursued on a Federal level. We need to support the right of workers and their ability to choose what is best for them, not put them in a straitjacket to serve other people's goals.

I also want to hear Ms. Su's position on DOL's effort to uproot the franchise model, which employs over 8 million Americans. Deputy Secretary Su has made public comments indicating that she will pursue attempts at DOL to forcibly impose a joint employer classification on the almost 800,000 franchises operating in our communities,

the same as any other small business. Sadly, franchisors with liability for thousands of franchise owners that actually operate the small business would be a sure way to destroy the system of franchising, a model which has allowed those underrepresented in the business community—women, people of color—to have the ability to live the American dream, becoming successful small business owners as they help create jobs, lifting other workers out of poverty.

No one is surprised that the joint employer rule is a major priority for large labor unions. It is easier for them to pressure one company to unionize to increase their union dues than to pressure thousands of independent businesses.

The priority of the Biden administration should not be to do whatever makes it easier to forcibly and coercively unionize workers while undermining the business models of the establishments they work for. It should be to increase individual freedom and opportunity.

What comes to mind, there is a fellow north of Baton Rouge who moved here from West Africa to attend LSU. After he attended LSU, he became a citizen, and now he is a franchisor for multiple outlets. And he talks about the American dream: coming here from Nigeria as a transfer student; getting his citizenship; and now being an owner, involved in rotary, running for political office—a better American than most Americans. Somehow, this threatens the Department of Labor.

Now, in addition to our policies, we should ask questions about how Ms. Su presided over a mismanaged California unemployment insurance program during the pandemic and why California paid $31 billion in fraudulent claims when she chose to suspend the eligibility determination process.

Some of these payments went to inmates and known domestic and international criminals. To put into context, the Department of Labor's requested budget is $15 billion and employs more than 17,000 people. This means that Ms. Su lost more than double the annual budget of the Agency she will be responsible for managing in Washington, DC. This calls into question her qualifications as a manager.

Unfortunately, there will be many reasons to be concerned about Ms. Su's nomination to head the Department of Labor, and I look forward to a full hearing process to further discuss.

STUDENT LOANS

Mr. President, today we introduced the Congressional Review Act, Resolution of Disapproval, to overturn the Biden administration's unfair student loan schemes that transfer the burden of $400 billion in Federal student loans from those who willingly took on that debt—and took on that debt to get a degree that would help them make more money—to American taxpayers who, perhaps, never went to college or already fulfilled their commitment to pay off their loans, oftentimes sacrificing to do so.

The resolution would also end the pause on student loan payments, which, by August, will have cost taxpayers almost $200 billion. President Biden has extended this pause six times, for a total of 31 months, far beyond the original justification of an ongoing pandemic. I am joined by 38 of my colleagues in offering this resolution.

Last August, President Biden announced his plan to cancel up to $20,000 in Federal student loans from most borrowers and to extend the payment and interest accrual pause in student loans via executive fiat.

Make no mistake, this reckless student loan scheme does not forgive debt. It does not forgive debt at all. It just transfers the burden from those who willingly took out these loans for college—and, again, in order to make more money when they graduate—to Americans who never attended college and who have already paid off their loans.

And I would ask: Where is the forgiveness for the guy who didn't go to college but bought a truck, went to work, and is now working to pay off that loan? Is his truck loan going to be forgiven? It will not be.

And what about the woman who paid off her student loans but is now struggling to afford her mortgage? Does she get a refund to help her with the mortgage?

Is the administration providing them relief? And the answer is no. Instead, the administration had to not only pay their bills, but the bills for those who decided to go to college in order to make more money and then have their student loans forgiven. This is irresponsible and unfair.

And, by the way, the plan does nothing to address the problems that created the debt in the first place. It doesn't hold colleges or universities accountable for rising costs. According to the College Board, in the last 30 years, tuition and fees have jumped at private nonprofit colleges by 80 percent and at public 4-year institutions by 124 percent.

And it doesn't ensure that students are prepared for life after college. Indeed, it creates a terrible moral hazard that tells students that Federal student loans aren't real commitments and tells colleges that no matter how high they raise their prices or what product they produce, the Federal Government will cover the tab, courtesy of the American taxpayer.

Our resolution prevents average Americans, the 87 percent of whom currently have no student loans, from being stuck with a policy that the administration is doing, not to be fair to all but, rather, to favor the few.

Our resolution also protects the rule of law, which President Biden must know he is violating.

During Supreme Court arguments on the legality of the student loan forgiveness in February, Justice Roberts clearly indicated that if $400 billion was to be spent on student loan cancellation, it would and should require congressional approval. That has not been given.

It is a clear example of this administration attempting to subvert Congress for what appears to be purely political purposes. It is a wildly dangerous precedent if left unchecked.

For Americans who cannot afford their debt or want a proactive approach to paying off their loan commitments, Congress has already authorized—again, let me just say this. For someone who can't afford their debt or wishes to be proactive to pay off their loan commitments, Congress has already authorized 31 different programs to help pay or forgive student loans.

I ask unanimous consent that the list of Federal programs already available to Americans who are struggling to repay their loans, work in public service, or who are in high-demand fields be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE BIDEN ADMINISTRATION'S RECKLESS STUDENT LOAN SCHEME

There are already 31 active student loan repayment and forgiveness programs.

THREE FULL OR PARTIAL STUDENT LOAN FORGIVENESS PROGRAMS

Direct Loan PSLF—

Government organizations at any level (U.S. federal, state, local, or tribal)—this includes the U.S. military

Not-for-profit organizations that are tax-exempt under Section 501(c)(3) of the Internal Revenue Code

Other nonprofit organizations that provide specified types of service (e.g., public health, public safety)

Stafford Loan Forgiveness for Teachers—

Teachers who:

teacher in a school or education service agency serving students from low-income families;

special education teacher, including teachers of infants, toddlers, children, or youth with disabilities; or

teacher in the fields of mathematics, science, foreign languages, or bilingual education, or in any other field of expertise determined by a state education agency to have a shortage of qualified teachers in that state.

Federal Perkins Loan Cancellation—

Early childhood education provider

Employee at a child or family services agency

Faculty member at a tribal college or university

Firefighter

Law enforcement officer

Librarian with master's degree at Title I school

Military service

Nurse or medical technician

Professional provider of early intervention (disability) services

Public defender

Speech pathologist with master's degree at Title I school

Volunteer service (AmeriCorps VISTA or Peace Corps)

Teacher in a low-income school

Teachers of math, science, foreign language, bilingual education, or other shortage subject areas

Special education teachers

23 active loan repayment programs for:

12 active repayment programs for federal employees in the following areas:
Senate employees
House Employees
Congressional Budget Office
Government Employee
Defense Acquisition Workforce—hard to staff civilian acquisition positions
Armed Forces: Enlisted members on Active Duty in Military Specialties
Members of the Selected Reserves
Health Professionals Officers Serving in the Selected Reserve with Wartime Critical Medical Skill Shortages
Chaplains Serving in the Selected Reserves
Education Debt Reduction Program—VA program for hard to staff areas
National Institutes of Health Intramural—Biomedical or biobehavioral research careers
National and Community Service grant program—Americorps

11 Federal Student Loan Repayment Programs for broad employment needs or shortages

Veterinary Medicine—USDA
Indian Health Service—
National Health Service Corps—Health Resources and Services Administration (HRSA)
National Health Service corps students to service—HRSA
National health service corps state—HRSA
Loan repayments for health professional school faculty—HRSA
General, pediatric, and public health dentistry faculty loan repayment—HRSA
Nursing education LRP—HRSA
Nurse Faculty—HRSA
National Institutes of Health Extramural—NIH
John R. Justice loan repayment for prosecutors and public defenders—DOJ

Mr. CASSIDY. Mr. President, they range from total forgiveness under public student loan forgiveness, the PSLF; Stafford loans for teachers; and Perkins loans cancellations for law enforcement officers, military, early childhood educators, and social workers, to name few.

There are also repayment programs for high-demand fields, where education is specialized and the need is a public good. For example, through the Department of Health and Human Services, therapists and behavioral health providers who are needed to help our children as we face a mental health crisis are eligible for loan forgiveness.

In addition, there are repayment policies related to the income of an individual. There are five different programs to keep payments low compared to an individual's income and to cap the total time for repayment.

These are quite different from this mass transfer of debt under this reckless student loan scheme, which forgets that these existing programs were set up to target limited taxpayer resources to benefit those using their degrees to serve and to fill broader public needs or who can demonstrate that they, themselves, have a personal, individual need.

By the way, what benefit does the GI bill hold when students can just wait to have their student loans forgiven? Why contribute to your community by teaching in a public school while getting your Federal loans paid off through your service when you can just wait for President Biden to forgive your loans? Irresponsible policies like President Biden's student loan scheme weaken these incentives and discourage Americans from going into public service.

President Biden and Secretary Cardona, come to the table. There are real problems in the student loan system and Federal financing of higher education. Let's fix them legally through a lasting, bipartisan solution.

I close by encouraging all my colleagues to join me in supporting this Congressional Review Act resolution to prevent this unconstitutional student loan forgiveness scheme. It is unfair to the hundreds of millions of Americans who will bear the burden of paying off hundreds of billions of dollars of someone else's student debt.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

TIKTOK

Mr. RUBIO. Mr. President, back in 2019, I believe April of 2019, if not the first, I must have been one of the first people to call for the company TikTok to be banned in the United States. So it has been a while now; it is not something I just came up with the other day.

But I do think that is a pretty extraordinary thing, to ban a company, and so before I think we—for someone like me, who has argued for a national ban on a company like this, to take away something from over 100-and-something million Americans, many of whom I have heard from, many of whom I know personally—before we do something like that, I think people deserve an explanation as to why is it that we would want to do that. I don't think the answer can just be ''Trust us. It is bad for America.'' I think they do deserve an answer, and I think they do deserve a clear argument as to why it is in our national interest to do this and why it is the only option we have.

First, I think it is important to understand how TikTok works. It is an ingenious app—no one argues about it—these short-form videos, and it always seems to show you what you want to see. The more you use it, the more it shows you the things you want to see.

How does it do that? Well, it does it two ways. First of all, it scoops up an extraordinary amount of data—not just data on what you are watching, all kinds of data. CNBC actually talked about it. TikTok, you know, collects your content that you viewed, content you created, shared. Beyond that, it includes your contact list. It collects your name, your age, your user name, your emails, your messages, your photos, your videos, and other personal information. In fact, in 2021, TikTok changed its privacy policies. It can now even collect biometric data, like your faceprint—you know that thing you use when the phone unlocks?—and the voiceprint of its users. It is an extraordinary amount of data.

But that is not the only thing it does—because I hear some people criticizing us and all they talk about is, well, everybody collects data. It is not just the data. What really makes TikTok so effective is that it has an algorithm that uses artificial intelligence to combine all of this data and your usage, and what that does is it basically—that algorithm, it knows you better than you know yourself. It knows the videos you are going to like before you even know you are going to like them, and it is an extraordinary power behind this. It is what they call a recommender engine. We are going to call it an algorithm. It is a predictor.

Now, people would say: Well, what is the big deal? All social media app companies do that, not just them. I mean, Netflix does it to recommend movies you might want to watch, and Spotify does it to recommend music. Clearly, Instagram and Facebook and Snap and Twitter—all of them have an algorithm, and all of them collect data. So what is the big deal? What they are doing is no different than anything else.

Here is the difference. The difference is, of all these companies I just mentioned to you, the only one that has a parent company that is a Chinese company that owns it is ByteDance. And it is not just that there is a Chinese company; they own and they operate the heart and soul of TikTok, the recommender engine, the algorithm. That belongs to ByteDance. In order for this to work, in order for TikTok to work, ByteDance has to have access to the data of Americans. They have to.

Now, here is where people will say to you: Well, so what if it is a Chinese company? It doesn't all have to be American companies.

Actually, the CEO of TikTok was here last week, and he said: You know, ByteDance—I am trying to paraphrase it, but I wrote it—is not owned or controlled by the Chinese Government. They are a private company that is owned by outside investors that include Americans.

Well, this is disingenuous. It is not true. And let me tell you why it is not true.

First of all, there is no such thing as a private company in China—not in the way we think of a private company. Let me explain why.

In China, No. 1, they have a law called the national intelligence law, and the national intelligence law of China requires—doesn't ask for; doesn't say: We can go to court and require you to do this. No, no. It automatically requires—the national intelligence law of China requires every single Chinese company—that includes ByteDance—to do whatever the Government of China tells them to do.

China has another law. It is called the data security law. What that law says is that every tech company in China—like ByteDance, a tech company in China—they have to hand over to the government whatever user information—whatever information they

want. They have to do it by law. That is a big difference between them and these other companies.

So the bottom line is this when it comes to those who argue that it is not a company controlled by the Chinese Government—I read the other day that China says they are going to block any forced sale of TikTok. Well, how could China block the forced sale of TikTok if they don't control TikTok? The reason they can block it is because they control—the government, through these laws—they control the company that controls the algorithm that drives TikTok. It is controlled by ByteDance. Under Chinese law, if the Government of China tells ByteDance, the owner of TikTok, to use the algorithm a certain way, they have to do it.

It doesn't matter who the shareholders—it doesn't matter if 100 percent of the shareholders of ByteDance are Americans. If they are located in China and the Chinese Government tells them: We want you to use the algorithm and the data you have access to in a certain way, they have no choice but to do it. That is not just true for ByteDance; that is true for every company in China.

So a lot of people say: OK. Well, then, the solution is this: Let's just store all the American data here in America. Let's just put it all in a server located in the United States, and that will do the trick.

No, it won't, and here is why. Even if you stored all of the data that TikTok has on Americans—over a hundred-something million users—even if you stored all of it, ByteDance in China still has to be given access to that data. You may have it stored in America, but you have to give access to ByteDance. Do you know why? Because the algorithm that TikTok depends on doesn't work without the data. ByteDance has to have access. That is almost like putting your life savings in a safe but then giving the thief the combination. Who cares that it is in the safe? Who cares where the safe is? If the thief has the combination, they can get into the safe.

So it doesn't matter where you store the data; if ByteDance owns the algorithm, they have to have access to the data, and if they have access to the data, the Chinese Government has access to the data whenever they want.

The latest iteration is, well, what we should do is we should force TikTok to be sold. Sold to whom? TikTok is worthless—worthless—without the algorithm. So even if TikTok, as we know the company, is bought by Americans, they still need the algorithm that ByteDance owns, and you can't buy the algorithm from ByteDance even if they wanted to sell it to you. Do you know why? Do you know why ByteDance can never sell you the algorithm, the recommender engine that powers TikTok? Because the Chinese Government in 2020 imposed a law that prohibits it. The Chinese Government specifically imposed a law in 2020 that says you cannot transfer the algorithm outside of China. So selling it is not going to make a difference because no matter who buys it, TikTok is worthless. It won't work without the algorithm. The algorithm belongs to ByteDance, ByteDance is in China, and they have to do whatever the Chinese Government tells them to do.

This is where people have said to me: Well, who cares? Who cares if the Chinese Government controls the algorithm and has access to the data?

They want me to explain how an app that features funny videos and the latest dance fad—how that is possibly a national security threat. So let me walk you through a very realistic hypothetical.

Let's suppose for a moment that China decides they are going to invade Taiwan in 2027 or 2028, and the key to a successful invasion or taking of Taiwan is to prevent the United States of America from getting involved, and the key to keeping the United States from getting involved is to convince the American people that we shouldn't get involved because they know we are a democracy. They know that public opinion matters in America.

Knowing all this, the Chinese Government goes to ByteDance, who, by law, has to do whatever they are told, and the Chinese Government says to ByteDance: We want you to align your algorithm to shape American public opinion on Taiwan.

They won't do this overnight; they will spend a couple years laying this out.

We want you to align your algorithm to make sure that people in America are seeing messages that convince them that America should not get involved, and not only that, we want you to use the data to target specific American audiences with specific messages.

For example, some Americans might see a bunch of videos that allege to show people in Taiwan—probably fake but nonetheless people in Taiwan supporting a Chinese takeover. Maybe family members—remember, they have all this data on us. Family members of military members would see videos about how thousands of Americans will die if the United States gets involved. Others might see videos of Americans—or who they think are Americans—arguing: Why do we care about Taiwan? We should be focused on our problems here at home.

When we notice that they are doing something about it—that is what people will say: Well, when that happens, then you deal with it.

Well, once you notice that they are actually doing it and we try to do something about it, do you know what comes next? Here is what comes next—what is already happening now. You are going to have a bunch of small businesses in America that depend on marketing on TikTok. And let me tell you something. I don't diminish that. It is true. I know people who have built up their businesses, and they use TikTok for marketing, and it works. It is better than the other apps for that.

But just imagine when we go to them and say: Guys, we have to shut TikTok down now because now it is real. Now they are using it against us.

Those people are going to come up and say: You are going to destroy my business.

In fact, China will probably threaten those people. China will probably make it very clear: The U.S. gets involved, we are going to knock all the Americans off of TikTok. Down goes your business.

Those people will suddenly be asking their elected official here not to get involved in Taiwan. Do you know where we find ourselves then? Paralyzed. A country that is paralyzed, that cannot act in its own national security interests because we have allowed an adversary to basically use an app that they control and the data that they control to shape public opinion in America over an extended period of time, and we can't do anything about it.

Now, here is where some people will say: Well, that is a violation of the First Amendment—free country.

I agree. You have a right to speak. I don't agree that it is a violation of the First Amendment; I agree that you have a right to speak and say anything you want in America.

This is not about the content of the video. What this is about is the existence of a company that is related to an important government interest.

What is that government interest? It is not just a substantial government interest; it is the most important government interest that we have—the national security of our country. And preventing our country from being paralyzed from acting in its national security interest is the most compelling and important government interest one can imagine.

Now, people say: Well, this is all hypothetical. There is no evidence the Chinese Government is doing any of this.

Well, let me first start by saying that every threat to our national security begins as theoretical before it becomes reality.

For example, China is building hypersonic missiles designed to sink our ships. They are not firing them at our ships today. They are not sinking our ships. They are not even threatening to sink our ships openly. Yet, somehow, everybody around here agrees that we have got to do something about the hypersonics.

But they are not doing it now. It is theoretical, right?

Russia has never launched nuclear missiles against the United States, but we spend a lot of money every year on NORAD, on monitoring our skies, on making sure that we aren't being attacked. It is a theoretical threat, but one we have taken seriously for 70 years.

Second, what is so theoretical about using propaganda during a time of war?

There is nothing theoretical about propaganda during war and conflict. In fact, propaganda has been a weapon that has been used in virtually every conflict for centuries to demoralize and to divide your adversary.

Third, this is not just theoretical. We have actually seen TikTok be used to drive messages and to undermine opponents. It was used to spread pro-Russian messages during the invasion of Ukraine. It has been used to suppress videos talking about Tiananmen Square and the genocide of Uighur Muslims in China. It is already being used to censor all kinds of—in fact, it was used. It was used to control content and limit content about our elections in this country in 2022.

It goes more. I can go further than that. ByteDance has already been used. ByteDance China has already been used to collect data on specific reporters whose stories ByteDance didn't like. So they used it to track the locations of these reporters.

Where are they? Who are they talking to? In fact, here in America—here in America—TikTok was caught spying on American journalists who were writing stories that TikTok didn't like, and TikTok denied it: It is not true; it is a lie.

And then they had to admit it. So now, it is: Oh, we fired the people who did this.

And now they are under Justice Department investigation.

But here is the point I would say about this whole theoretical thing. If God forbid—and I say ''God forbid,'' I really do, because no one wishes for armed conflict with anyone. There is nothing good about war. If, God forbid, we are ever in a war with China, China will use cyber attacks to try to take down our electric grid. China will use space weapons to try to destroy the satellites we have in space. China will use these missiles to sink our ships and kill Americans.

China will do all these things, but somehow we think they are incapable of using a social media app with 150 to 200 million users. They would never use that against us. They will sink our ships, shoot down our satellites, shut down our grid, but they would never use an app that they control. Come on. Of course, they would.

Look, there is a lot more to say on this topic, and this is one we should debate and talk about. This is a big deal. Don't take this lightly.

But I will say this. You know, since 1991, America has been the sole superpower in the world. I would venture to guess that almost everyone who serves here did not serve in government at a time when America had a near-peer adversary, for the most part. So I think we, generally, as a nation—certainly, the government—have forgotten what it is like to live in a world in which there is another country and another government that has almost as much power as we do. But, after 30 years, that is where we are. That is where we stand right now. Whether we like it or not, we are in a near-peer competition and, in many ways, a conflict with China for global influence, for the direction of the world, with two very different views of the planet—with the Government of China, by the way, because I always hear people talk about this: We have no problem. The Chinese people are the No. 1 victims of the Chinese Communist Party on the planet. The No. 1 victims of the Chinese Communist Party are the Chinese people.

But their government—it is very simple, guys. They want to be the world's most powerful country, and they want to do it at our expense. And the consequences of that is that the world's most powerful country will be a nation that puts Uighur Muslims in death camps; that is trying to destroy Tibetan culture; that had no problem massacring their own people in Tiananmen Square; that as we speak, right now, are arming the Russians to commit these atrocities in Ukraine; that don't believe any of the things we are debating about free speech and the like.

We are in a competition, and we are in a conflict—hopefully, never an armed one, but, nonetheless, a conflict. And we have, operating in our country, an app—the fastest growing app—a social media app that has the most detailed personal data on over 100 million American users and growing, and they are turning over the power for, one day, for them to use it to divide us, to paralyze us, to confuse us, to turn us against each other.

Think of the damage that Russia did by putting bots, fake accounts, on Twitter and buying ads on Facebook. Can you imagine if Russia actually owned Facebook or Twitter—not put ads, not put bots, but actually controlled those companies—the damage they would have done to this country?

Now, imagine that with a country with an economy 50 times the size and with 100 times more capabilities, because that is what we are facing here.

It is not a game, and we should take it seriously. If there is a way to deal with this that doesn't involve a ban or something drastic, I have always been open to that. But it doesn't exist because of the way this company is structured. And we had better take it seriously or one day, 20, 30 years from now, people will look back and say: You guys should have taken it seriously—and we failed to do so, and we paid the price for it.

We should act on it as soon as possible. We should ban TikTok because it is bad for America. It harms our country, and it is a danger to our future.

I yield the floor.

The PRESIDING OFFICER (Ms. SMITH). The Senator from Ohio.

Mr. BROWN. Madam President, I thank Senator RUBIO for his comments.

Whenever I hear my colleagues rail against China—and I agree with that 95 percent of the time. Whenever I hear them say things like that they want to be the world's most powerful country, the most powerful government, I agree with that.

But, as Senator RUBIO said—this isn't a debate between him and me. I just want to make a couple of comments. I want to talk about worker safety, in a moment, which I know the Presiding Officer cares so much about.

I go back half a generation. Senator RUBIO wasn't here then, but many of his ideological soulmates were here then. This Congress couldn't stop itself, from Presidents Clinton and Bush 1 and Obama and Bush 2 and Trump—couldn't help themselves—from giving all kinds of breaks to American corporations and incentives to American corporations to go to China, to move to China.

So they shut down production in Duluth, MN. They shut down production in Mansfield, OH, my hometown, and Toledo and Youngstown.

As corporations were lobbying Congress, I worked and I teamed up with LINDSEY GRAHAM, a Republican, against that. We were unsuccessful, as corporations lobbied Congress to give China something called permanent normal trade relations.

So they shut down production in Ohio. They moved that production to China. And what happened? They taught China a whole lot about manufacturing, and they created a whole lot of wealth in China.

Now we are surprised about TikTok. We are surprised that the Chinese military is as powerful as it is. I just think it is important that we remember, when we listen to corporate interests in this body who lobby here to weaken, to push jobs overseas, that these are the kinds of things that happen. And I hope we learn from that, and I hope we take a lesson and apply it to TikTok into the future.

So, Senator RUBIO, thank you for raising the issue.

WORKER SAFETY

Madam President, I want to talk about worker safety for a moment. On Friday, seven American workers went to work in West Reading, PA, at the RM Chocolate Factory to provide for their families.

I spoke to Senator CASEY about this, who is the senior Senator from Pennsylvania and who is one of the leaders in fighting for worker safety in this body. I spoke with him about it a few minutes ago.

Those seven workers never came home after an explosion leveled the plant. Our thoughts are with the families who lost sons and daughters, workers who were paid decent wages, not exorbitant wages—decent wages—and never returned home to their families.

We will learn more about what went wrong. I know Pennsylvania workers will always have an ally with Senators CASEY and FETTERMAN on this issue and so much more.

This struck me in a more emphatic way because I believe it was 1 day before the 112th anniversary of the Triangle Shirtwaist factory fire. That

tragedy woke up the Nation to the dangers that workers face in their jobs—dozens of workers, because the management had locked the factory doors because they were afraid that some of these low-paid, mostly women, some of them very young, workers might steal a blouse or two. They locked the factory doors. So when this fire broke out in a very flammable environment, workers jumped out the windows to their deaths—dozens and dozens of workers.

That made a huge difference in Congress finally dealing with worker safety.

In fact, a woman who was nearby, heard the sirens, and came to the scene was named Frances Perkins. She became the first female Secretary of Labor, under President Roosevelt. She stayed with him his entire 12-plus years in office and played a big role, with Senator Wagner, in writing the most pro-worker legislation in this Nation's history, especially on worker safety.

Now, Madam President, I wear this pin on my lapel. I have worn it since it was given to me 25 years ago, at a workers' Memorial Day rally, by the steelworkers. It is a picture of a canary in a bird cage.

The mine workers, 120 years ago, used to take a canary down in the mine. If the canary died from toxic gas or lack of oxygen, the mine worker got out of the mine. He had no union, in those days, strong enough to protect him. He had no government, in those days, that cared enough to protect him.

We changed that because of worker safety laws. We changed that because of unions. This tragedy in West Reading, PA, reminds us that our work to protect workers and make workplaces safer never ends.

I think about those steelworkers who lost their lives near Toledo in an explosion in a refinery in Oregon, OH, last year. Max Morrissey and Ben Morrissey were brothers who died in that accident.

I think about the Norfolk Southern worker who worked for Norfolk Southern, and, because of its culture of laying off workers and compromising safety and paying big compensation bonuses to executives, the worker at Norfolk Southern lost his life earlier this month.

No worker should have to worry about returning—kissing her husband goodbye, kissing his wife goodbye, kissing his or her children goodbye, they should not have to worry about returning home. That is why we should stand up to corporate lobbies that always want to cut costs—worker safety be damned.

We know what happened. We saw in East Palestine what happened because the railroad laid off a third of its workers and then they compromised on safety. We saw what happened in Silicon Valley Bank when they didn't pay attention to consumers and regulators and the public interest.

And, again, workers always pay the price. We know what will happen. Every time there is an industrial accident, people are upset; they worry about it.

But the companies continue to lobby regulators for weaker laws. We see it here with corporate lobbyists. We see it in the regulatory Agencies, when they always want to weaken consumer laws, they always want to weaken environmental laws, they always want to weaken worker safety laws, and communities always pay, and workers always pay.

That is why a union card is so powerful. It means higher wages, better benefits, and a safer workplace. If you love this country, you fight for the people who make it work, whether they punch a clock or swipe a badge or whether they work for tips or whether they work on salary. You fight to keep people safe on the job. That is our job here, to make sure we do that better than we have in the past.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

S. 316

Mr. SULLIVAN. Madam President, we are debating, last week and this week, the authorization for the use of military force authority that was granted in 2002, which is a really important debate that we are seeing right here on the Senate floor.

By the way, it is a good-faith argument. There are Members on both sides of the aisle making different arguments.

There is not a topic, in my view, more important than the issues at stake here—how to use military force; when to use military force; is it authorized by the President to use military force?—because, as to the issue of the U.S. Government sending young men and women into harm's way to defend our country's interests, there is nothing more important, in my view—nothing more important.

I appreciate the time and the debate here on the floor. It is also important because it wraps into—when you talk about young men and women going into harm's way overseas, one of the biggest harms to American service men and women over the past 20 years has actually been from Shia militia groups supported by Iranian terrorist organizations. Now, it doesn't always seem to make sense in that Americans who were killed in Iraq and wounded in Iraq were often—and I will give some of the numbers here—killed and wounded because those who did the killing and wounding were supplied by Iranian terrorist groups. In particular, the Quds Force, which was led by Qasem Soleimani, during the course of the Iraq war, killed over 600 American servicemembers and wounded over 2,000 with very sophisticated IEDs that were supplied by the Iranians to their proxies in Iraq.

So what does any of this have to do with the 2002 AUMF for Iraq that we were debating last week and will debate this week? Well, the answer is everything, everything.

We eventually figured out—we, the United States—that these very sophisticated IEDs, which are called explosively formed projectiles or penetrators, EFPs, were actually, as I mentioned, caused by the Iranians. It took some time to figure this out because, like so many things, the Iranian terrorists in Tehran and the ayatollahs lie—they lie—and they denied it. ''Oh, we didn't have anything to do with that.'' Well, they actually had everything to do with that. Again, the best and brightest in America, in my view, for many years, during the Iraq war, were being killed by Iranian terrorists and being led by Qasem Soleimani, who was the head of the Quds Force, that was doing this.

During that time of 2005 to the middle of 2006, I was serving as a Marine Corps staff officer to the commanding general to the U.S. Central Command, General Abizaid. I was deployed to many parts of the CENTCOM AOR with the CENTCOM Commander. Probably the biggest concern, no doubt, was of these incredibly effective, brutally efficient EFPs that were killing and wounding so many of our best and brightest. To this day, it is just remarkable to me that so few people even know about this or talk about it—the killing and maiming of thousands of American troops by the Iranians and the Quds Force, led by General Soleimani.

Again, what does this have to do with the 2002 AUMF? Everything.

What happened during that time?

Well, when we figured out it was the Iranians doing this, we—we, again, the national leadership—never really retaliated against Iran at all. Imagine that. We knew that they were killing and wounding thousands of our best and brightest, and the United States did not do anything to establish deterrence. As a matter of fact, during that time, we lost deterrence, and it became clear that Iran, with good reason, started to think: Hey, we can kill American servicemembers with impunity. There is no price.

So they did.

When you lose deterrence with a terrorist regime that likes to kill Americans and has a history of killing Americans, it is not a good thing, especially for the young men and women who are serving our country in dangerous places.

I remember, early on in my Senate tenure here, in a briefing we had in the SCIF, I asked the Chairman of the Joint Chiefs: Do you think we have lost deterrence? There have been 600 Americans killed and over 2,000 wounded. Do you think the Iranians believe they can kill as many American servicemembers as they can—again, America's best and brightest—and not pay a price?

The Chairman said: Yes. The Chairman said: Yes.

I remember that very distinctly.

So the whole point is, How do you reestablish deterrence? Because, if you reestablish deterrence, you are going to save lives, and you are going to protect your servicemembers.

Again, there is nothing more important that we do as a country than making sure the men and women who go defend our country—who defend us, who defend our interests—are protected, are lethal, are the best trained. But it is difficult because, when you lose deterrence, it is hard to get it back. Well, we did get it back, and I certainly applaud President Trump and the Trump administration.

When Qasem Soleimani was back in Iraq, scoping American forces to kill—by the way, a lot of them during that time were from Alaska—in early January 2020, the Trump administration said: The joke is over. This guy with the blood on his hands of thousands of our best and brightest—he is not doing it again.

And he was killed during a daring strike on January 3, 2020. He was looking to kill more American troops in Iraq, and he got killed. I think it was justified and an important signal to send to everybody around the world that you can't go around killing American troops and not expect to have retaliation against you or your country. That should be basic. That should be basic. Every U.S. Senator here, today, should agree with that 110 percent.

The Trump administration said: We are not going to allow this anymore, and the guy who is responsible for killing so many Americans and wounding so many Americans—he is going to pay.

And he did, with his life.

The legal authorization for that very justified killing was the 2002 AUMF that we are debating right now. OK. That was only 3 years ago that that happened. So it is very relevant to the issue of deterrence and very relevant to the issue of Iran.

For some of my colleagues to say: Well, it is old. It has nothing to do with anything that is happening right now, they couldn't be more inaccurate. This matters, and it matters today. For those who say it doesn't, they don't know this history or they don't want to know this history or they haven't been watching the news for the last 96 hours.

Some of us are concerned about the very debate we are having here, which is to say: Let's remove the authorization that we used to kill Soleimani. Let's get rid of it. Hmm, what kind of signal does that send? Could this signal maybe we are not worried about deterring Iran anymore? Could this signal that removing this authorization, this 2002 authorization that, again, was used to regain deterrence with Iran—if we got rid of it, would this embolden Iran?

Well, as I mentioned, in the last 96 hours, we have had Iranian proxies unleashing deadly attacks on American servicemembers and American contractors. That is happening right now. Is it a coincidence? I don't know. One American is dead, and five have been wounded with these brazen attacks. Some of us thought this actually might happen. It is happening. It is happening.

Unfortunately, there was a little bit of something going on last week that we are going to get to the bottom of. Trust me. On the Armed Services Committee, we are going to get to the bottom of it because, last Thursday, when we were debating the AUMF, these vicious attacks started at 6:30 a.m., DC time. It was on the day we were debating the AUMF—all day Thursday. We didn't hear about it until the close of business Thursday. Was somebody hiding that information from us? It was pretty relevant information. We are going to find out about that.

I am going to be offering an amendment to the AUMF tomorrow, and I believe every U.S. Senator should vote for it. Here is why: I believe that the 2002 AUMF clearly helped with deterrence. It was the authority, in addition to article II, to take out one of the biggest terrorists, heck, in the 21st century. That is for sure. He killed more Americans than any other terrorist. That is for sure.

So the question is, Will removing this AUMF lessen American deterrence against Iran's malign activities?

That is what my amendment asks the Director of National Intelligence to do—to look at that question and certify the answer. If the answer is no, then this new AUMF or the removal of this AUMF can go forward.

Again, it is a really simple question: Ask the DNI, for the next 30 days, to look at this question: Will removing the 2002 AUMF lessen American deterrence against Iran's malign activities?

Why wouldn't every U.S. Senator want to go: ''That is a really good question. Heck, we are seeing it in the Middle East right now—in Syria. Maybe this is going to embolden Iran. Heck, maybe we shouldn't do it. Maybe, by doing this, we are going to put American servicemembers' lives at risk. Hmm. Maybe we shouldn't do it. Let's ask the DNI''?

That is it. Why wouldn't you want that?

I was just talking to a couple of the proponents of this AUMF debate. Again, I have a lot of respect for them, but I asked them: Why wouldn't you want this? Wouldn't you want to know? Just wait 30 more days. I know you have been trying to get this removed for years. Wait 30 days. Send it to the President's own Director of National Intelligence and ask her: Review the intelligence. Review what you are hearing with the chatter among the Iranian proxies who are trying to kill Americans and who have killed Americans. Is any of this related to the removal of the AUMF? Then give us an answer in 30 days, and if the answer is no, this can move forward. If it is yes and this will hurt our deterrence against Iran, then we shouldn't be doing this.

That is all my amendment is asking. It simply says: As for the authorization for use of military force—the AUMF—of 2002, if it is voted on to be repealed, which it looks like it will be, it will go into effect after the Director of National Intelligence certifies in an intelligence assessment to Congress that the repeal will not degrade the effectiveness of U.S.-led deterrence against Iranian aggression. Who could be against that? We should have 100 U.S. Senators wanting to know the answer to that question, especially given what just happened over the last 96 hours, because maybe this debate is emboldening the Iranian proxies and terrorists. Maybe it is not. So let's get the answer.

My amendment would also make sure that it is 100 percent clear that if the 2002 AUMF is repealed, the United States can fully retaliate against the Iranians or any Iranian threat if they are threatening our country or our people.

I know that most of my colleagues here agree with that. We negotiated that language with some of my Democratic friends and Republican friends. So it is just that and this issue of asking the DNI to certify that what we are doing on the Senate floor right now is not going to undermine our deterrence against Iran and, oh, by the way, put more American lives at risk.

It is simple. I would be shocked if any Senator voted against wanting to know the answer to that basic question.

I am asking my colleagues to just think hard. Don't you want more information? Can't you wait 30 more days to get President Biden's DNI to certify that what we are doing right here in the Senate is not going to undermine deterrence and put more American lives at risk? I hope that all of my colleagues would agree with that and vote on my amendment.

Finally, I will just say, the deterrence that we regained with the justified killing of Soleimani has clearly been slipping away, particularly once the Biden administration came into office, and it is a concern.

I was on a recent bipartisan codel to the Middle East, and the No. 1 issue we were hearing about in every single stop by every single leader was the malign activities of Iran. You name the country we were in—and we were in a lot of them, all the Abraham Accords countries in Israel—Iran was the No. 1 topic and how aggressive they are getting.

The lifting of the terrorist designation for the Iranian-backed Houthis almost in the first month of this administration, February 2021, was a sign of weakening deterrence against Iran.

The administration's inability to stand firmly with the United Arab Emirates, one of our strongest allies in the Middle East, when it was attacked by Houthi missiles and drones—of course, with the Iranians' help—was something else that lessened our deterrence.

Just last week, when the CENTCOM Commander testified, he said there had been 78 similar attacks on American forces since 2021. We are losing deterrence. That is during the Biden administration's 2 years. They have been attacking the hell out of our troops. What are we doing? What are we doing?

The mullahs in Tehran, like all tyrants, are emboldened by accommodation. So I am asking my Senate colleagues to take the very prudent, logical, and responsible step to ask the DNI if what we are getting ready to do here on the Senate floor, which is to remove the 2002 AUMF, will that undermine our deterrence against Iran? Let's wait 30 days and get the answer.

Don't put your head in the sand, my colleagues. Stand up. See what the answer is from the DNI so we can move forward in a way that makes sense for our national security, deterrence of the world's largest state sponsor of terrorism, and, most importantly, the ability to protect and defend our servicemembers serving overseas in places like Syria that are very dangerous.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:35 p.m., adjourned until Tuesday, March 28, 2023, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

ANN ELIZABETH CARLSON, OF CALIFORNIA, TO BE ADMINISTRATOR OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, VICE STEVEN SCOTT CLIFF.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DAVID M.P. SPITLER

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JORGE M. ARZOLA

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 7064:

To be major

JAMES F. CANTORNA

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 7064:

To be major

SANDEEP R. RAHANGDALE
CHRISTIE A. SHEN

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 7064:

To be major

SONG QU

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

TIMOTHY S. MCKIDDY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

KEVIN J. HUXFORD
SEUNG H. LEE
JOHN D. MCRAE II
BRANDON K. PETERSON
KEVIN D. POTTS
DAVID A. RIDGEWAY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

To be colonel

KYLE D. AEMISEGGER
ALICE L. ALVERIO
FERDINAND K. BACOMO
JOHN B. BALMAN
ETHAN S. BERGVALL
AARON M. BETTS
DAVID V. BODE
BRIAN W. BRENNAN
SHAUN R. BROWN
ANGELA R. BRYAN
MEGAN L. CHILDS
MICHELLE S. CLARK
GUY T. CLIFTON
CHRISTOPHER COWAN
JUSTIN M. CURLEY
JESSE P. DELUCA
SALLY P. DELVECCHIO
RAMONA A. DEVENEY
MICHAEL M. DICKMAN
DELNORA L. ERICKSON
RYAN P. FLANAGAN
DENNIS T. FUJII
ANDREW C. GALLO
JOHN J. GARTSIDE
SUZANNE M. GILLERN
ROSCO S. GORE
JON R. GRAY
SKY D. GRAYBILL
AMIT K. GUPTA
JEFFREY A. GUTHRIE
MITCHELL T. HAMELE
MELINDA J. HAMER
JASON N. HARRIS
JACOB S. HOGUE
SONNY S. HUITRON
PAUL F. HWANG
BENJAMIN J. INGRAM
JONATHAN JI
MICHAEL J. KILBOURNE
JEEHUN M. KIM
RYAN M. KNIGHT
MATTHEW D. KUHNLE
NOELLE S. LARSON
GARY LEVY
JAMES E. MACE
ANTHONY L. MARK
ANA E. MARKELZ
SHANE P. MCENTIRE
BRANDI S. MCLEOD
NATHAN E. MCWHORTER
DAVID E. MENDOZA
GARRETT J. MEYERS
JOHN E. MUSSER
JAMES NICHOLSON
FREDERICK P. OBRIEN
MOROHUNRANTI OGUNTOYEOUMA
RASTISLAV OSADSKY
SHIMUL S. PATEL
TANVI D. PATEL
JESSICA J. PECK
KEITH H. PENSKA
PAUL G. PETERSON
JENNI PICKINPAUGHINOCENCIO
TIMOTHY P. PLACKETT
TORIE C. PLOWDEN
JOHN J. POULIN
NADER Z. RABIE
MEGHAN F. RALEIGH
LUIGI K. F. RAO
BRADLEY A. RITTENHOUSE
PAUL M. ROBBEN
DEREK J. ROGERS
CHRISTOPHER J. ROSEMEYER
FRANCISCO C. RUBIO
JENNY L. RYAN
LIEN T. SENCHAK
JUSTIN M. SHIELDS
ADAM T. SOTO
DANIEL STINNER
ZOE E. SUNDELL
ERIC M. SWANSON
DANIEL J. TOLSON
WILLIAM WASHINGTON
PRISCILLA WEST
KRISTOPHER C. WILSON
NOUANSY K. WILTON
SEAN R. WISE
VLADIMIR S. YAKOPSON
PAULA YOUNG
D017212

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

To be colonel

AILEEN R. CABANADALOGAN
DANIEL G. CHATTERLEY
PETER N. DROUILLARD
NICKOLI DUBYK
JOSEPH M. DUTNER
BRANDON M. GAGE
JAMES M. GIESEN
KAREN E. GONZALEZTORRES
NGHIA N. HO
ANTHONY C. KIGHT
JACOB L. KITSON
AGNIESZKA KUCHARSKA
DAVID H. KWON
SLOAN D. MCLAUGHLIN
LARRY L. MUNK
ELIZABETH R. OATES
SAMUEL E. POINDEXTER
CRYSTAL J. SMITH
JOHN F. UNDERWOOD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

To be major

JEROME C. FERRIN

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 8287:

To be major

NATHAN D. MORRIS

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

RYAN E. DINNEN
MATHEW C. MILLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JILLIAN M. MEARS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MARY J. HESSERT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DAVID WAGENBORG